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Report of the Working Group on Enforced or Involuntary Disappearances

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Introduction

1. The present report of the Working Group on Enforced or Involuntary Disappearances is submitted pursuant to Commission on Human Rights resolution 1998/40, entitled "Question of enforced disappearances". 1/ In addition to the specific tasks entrusted to the Working Group by the Commission in this resolution, the Group has also taken into account other mandates stemming from a number of resolutions adopted by the Commission 2/ entrusted to all special rapporteurs and working groups, all of which have been given due attention and consideration by the Working Group in the course of 1998.

2. In addition to its original mandate, which is to act as a channel of communication between the families of disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and the whereabouts of the disappeared persons clarified, the Working Group has been entrusted by the Commission with various other tasks. In particular, the Working Group is to monitor States' compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter referred to as the Declaration). The Working Group has taken the Declaration into account, in particular, in adopting observations on individual countries. As last year, these country-specific observations have been prepared on all countries with more than 50 alleged cases of disappearance, or where more than 5 cases were reported during the period under review.

3. As in previous years, the Working Group has continued to apply the urgent action procedure in cases that allegedly occurred within the three months preceding the receipt by the Group of the report. This year the Working Group sent urgent action appeals in respect of 209 cases to the Governments of the following countries: Algeria, Cambodia, China, Colombia, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, India, Indonesia, Lebanon, Malaysia, Mexico, Nepal, Nigeria, Pakistan, Rwanda, Sri Lanka, Sudan, Tunisia, Turkey, Uganda, Yemen.

4. The total number of cases transmitted by the Working Group to Governments since the Group's inception stands at 48,770. The total number of cases being kept under active consideration as they have not yet been clarified now stands at 45,825. The number of countries with outstanding cases of alleged disappearance was 69 in 1998. During the period under review, the Working Group received some 1,015 new cases of disappearance in 31 countries, 240 of which allegedly occurred in 1998.

5. The Working Group regrets that out of the 69 countries with unclarified cases, the Governments of 32 countries, i.e. almost half, did not communicate with the Group.

6. As in the past, the present report reflects only communications or cases examined before the last day of the third annual session of the Working Group, which was 4 December 1998. Urgent action cases which may have to be dealt

with between that date and the end of the year, as well as communications received from Governments and processed after 4 December 1998, will be reflected in the Working Group's next report.

7. Unfortunately, owing to serious limitations in its resources, the Working Group has not been able to include in the present report some very important sections, such as comments on the draft international convention on the prevention and punishment of enforced disappearances and on the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances. Neither has it been possible to include observations in the country chapter.

8. The Working Group has, because of budgetary constraints this past year, faced serious shortages in the staff servicing its mandate, rendering it difficult for the Group to complete all aspects of its mandate in a satisfactory manner. Nevertheless, the Working Group wishes to express its appreciation to its secretariat which, despite its vastly diminished size, has enabled the Group to carry out its mandate with regard to seeking the whereabouts of disappeared persons, to undertake two field missions and to organize and prepare its three annual sessions. Nevertheless, the Working Group expresses serious concern about its ability in the future, with the present financial and human resources, to carry out, in a satisfactory manner, the mandate assigned to it by the Commission on Human Rights.

I. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES IN 1998

A. Meetings and missions of the Working Group

9. The Working Group held three sessions in 1998. The fifty-fourth session was held in New York from 13 to 17 July, and the fifty-fifth and fifty-sixth sessions were held in Geneva from 28 September to 2 October and from 25 November to 4 December, respectively. During its 1998 sessions, the Working Group met with representatives of the Governments of Angola, the Philippines, Sri Lanka and Yemen. The Working Group also met with representatives of the Mexican National Commission on Human Rights.

10. In addition, the Working Group met with representatives of human rights organizations, associations of relatives of missing persons and families or witnesses directly concerned with reports of enforced disappearances.

11. By letter dated 19 November 1997, the Government of Iran invited the Working Group to visit that country. The Working Group accepted the invitation and a mutually convenient date is being sought.

12. By letter dated 17 June 1998, the Government of Sri Lanka informed the Working Group that it had agreed, in principle, to the proposal for a visit to Sri Lanka made by the Working Group on 12 December 1997. The Working Group is discussing with the Government a mutually convenient date.

13. By note verbale dated 16 October 1997, the Government of the Republic of Yemen invited the Working Group to visit that country. The mission to the Republic of Yemen took place from 16 to 21 August 1998. The Working Group was represented by Mr. Jonas Foli and Mr. Manfred Nowak. The report on this mission is contained in Addendum I to the present report.

14. By letter dated 28 May 1997, the Government of Turkey informed the Working Group that its request, made on 21 July 1995, to visit Turkey had been accepted by the Government. The mission to Turkey took place from 21 to 25 September 1998. The Working Group was represented by its Chairman, Mr. Ivan Tosevski, and Mr. Diego Garcia-Sayán. The report on this mission is contained in Addendum II to the present report.

15. To date the Working Group has received no reply from the Government of Iraq to its letter dated 21 July 1995 requesting a visit.

B. Communications

16. During the period under review, the Working Group transmitted 1,015 new cases of enforced or involuntary disappearance to the Governments of Algeria, Burundi, Cambodia, China, Colombia, the Congo (Democratic Republic of), Ecuador, Egypt, Eritrea, Ethiopia, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Lebanon, Malaysia, Mexico, Morocco, Nepal, Nigeria, Pakistan, the Philippines, Rwanda, Sri Lanka, the Sudan, Turkey, Uganda and Yemen; 201 of these cases were sent under the urgent action procedure. Of the newly reported cases, 240 allegedly occurred in 1998 and relate to Algeria, Cambodia, China, Colombia, the Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, India, Indonesia, Lebanon, Malaysia, Mexico, Nepal, Nigeria, Pakistan, the Philippines, Rwanda, Sri Lanka, Tunisia, Turkey, Uganda and Yemen. During the same period, the Working Group clarified 129 cases, in Algeria, China, Colombia, Egypt, India, Indonesia, Iran, Lebanon, Malaysia, Mexico, Morocco, Pakistan, Peru, the Philippines, Rwanda, Sri Lanka, Syrian Arab Republic, Tunisia, Turkey and the United Arab Emirates.

17. Many of the other cases received by the Working Group were referred back to the sources as they lacked one or more elements required by the Working Group for their transmission, or because it was not clear whether they fell within the Working Group's mandate. Some cases were considered inadmissible within the context of that mandate.

18. As in previous years, the Working Group received reports and expressions of concern from non-governmental organizations, associations of relatives of disappeared persons, and individuals about the safety of persons actively engaged in the search for missing persons, in reporting cases of disappearance or in the investigation of cases. In some countries, the mere fact of reporting a disappearance entailed a serious risk to the life or security of the person making the report or to his or her family members. In addition, individuals, relatives of missing persons and members of human rights organizations were frequently harassed and threatened with death for reporting cases of human rights violations or investigating such cases.

19. Taking into account the ever-increasing number of United Nations field operations with human rights components, and the field offices of the High Commissioner for Human Rights, the Working Group has continued this year to address itself to these offices in an effort to take advantage of their unique position on the ground in order to improve its information flow with regard to disappearances. Information in this respect is reflected in the appropriate country sections.

C. Methods of work

20. During its fifty-fifth session, at the request of several non-governmental organizations, the Working Group met with their representatives to discuss its methods of work. A number of representatives underlined the importance of the work carried out by the Working Group in seeking the whereabouts of disappeared persons and, in particular, the effectiveness of its urgent action procedure. However, they expressed concern about the decision taken by the Working Group in 1997 to discontinue consideration of cases where it considered that it can no longer play any useful role in trying to elucidate them, in particular, if the source is no longer in existence, or in cases in which the families no longer have an interest in pursuing the matter. In this connection, a number of representatives pointed out that, in many cases, the reasons why a source or family members might not respond to a query from the Working Group, or might not wish to pursue investigation, might not be voluntary and that threats and intimidation might be involved. In such cases, they were of the view that the Working Group, before considering a case clarified, should make every effort to investigate the reasons behind such action or non-action by the source or the family concerned.

21. With regard to compensation in cases where a person reported to have disappeared is found to have been killed, many representatives were of the view that it was part of the humanitarian mandate of the Working Group to ensure that the family was informed, the body restituted to the family and compensation paid.

22. Many representatives of non-governmental organizations expressed concern about inadequate communication between the source and the Working Group on action taken by the Group in individual cases, including decisions with regard to admissibility and information on follow-up and results of cases transmitted under the urgent action procedure.

II. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES IN VARIOUS COUNTRIES REVIEWED BY THE WORKING GROUP, AND THE PALESTINIAN AUTHORITY

Afghanistan

23. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Afghanistan.

24. The two outstanding cases concern a Jordanian journalist who reportedly disappeared in Jalalabad, province of Nangarhar, in 1989 while on assignment, and an American citizen of Afghan origin who allegedly disappeared in 1993 when he was on a visit to Afghanistan.

25. Although the Working Group is aware that many more cases of disappearance could have occurred in Afghanistan, individual cases that would allow it to take action, in accordance with its methods of work, have not been brought to the Working Group's attention.

26. In the past, the Government has provided information on the two outstanding cases, stating that in one case the person concerned had never been arrested and in the second case, following a lengthy investigation by the security forces, as well as efforts by the Ministry for Foreign Affairs, the subject's name had not been found in the register of any prison. During the period under review, no new information was received from the Government of Afghanistan which would allow the Working Group to clarify the fate and whereabouts of the persons reported as missing.

Algeria

27. During the period under review, the Working Group transmitted 578 newly reported cases of disappearance to the Government of Algeria, 12 of which reportedly occurred in 1998; 11 were sent under the urgent action procedure. During the same period, the Working Group clarified four cases on the basis of information provided by the source. In two cases, the persons had been released from detention and, in another case, the person had been transferred to a recognized place of detention, but was unable to communicate with his family. A fourth person was reportedly leading a normal life in Tunis. At the same time, the Working Group retransmitted to the Government 80 cases updated with new information from the source. With regard to the newly reported cases transmitted by the Working Group on 15 December 1998, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

28. The majority of the 731 reported cases of disappearance occurred between 1993 and 1997. The security forces were allegedly responsible for most of the arrests and subsequent disappearances, which reportedly occurred throughout the country, although mainly in Algiers. Most of the victims had no particular political activity. However, a number of the disappeared persons are reported to have been members or sympathizers of the Islamic Salvation Front (FIS). The victims were from a variety of professions.

29. The majority of the newly reported cases of disappearances occurred between 1994 and 1998, most of them between 1994 and 1996, and concerned mainly middle class men, with the average age of 30 years, from various professional backgrounds, including employees, traders, technicians, students, executives and the liberal professions. Many of the persons concerned were from the public sector or the State administration, including teachers, doctors, or employees of the judiciary. Most of the disappearances are reported to have occurred following arrest at home or at work in the presence of witnesses, such as family members, neighbours, colleagues at work or pedestrians. In cases where persons are reported to have been arrested at their residence, the time of arrest is said to be between midnight and 3 a.m. One third of the victims are said to have been seen after the date of arrest, either at the police station, or in prisons such as El Harrach or Châteauneuf. The forces allegedly responsible for these disappearances include the military, the police, the Gendarmerie and the security forces, sometimes several of them acting together. It is also reported that the security forces often act together with civilians or militia (self-defence groups legitimized by the Government).

30. During the period under review, the Working Group received information from non-governmental organizations concerning non-compliance by the Government of Algeria with provisions of the Declaration on the Protection of All Persons from Enforced Disappearance.

31. It is alleged that when family members seek information on their detained relatives from the police or the Gendarmerie, all knowledge of the missing person is denied, allegedly in breach of article 10 of the Declaration relating to the provision of accurate information on the detention of persons deprived of liberty to their family members. It is further alleged that, when carrying out investigations, police officers act in complicity with those responsible for the disappearance. Families of missing persons are often reported to have appealed to institutions established by the Government to deal with human rights issues, such as the Observatoire des Droits de l'Homme and the Médiateur de la République. Reportedly, 3,100 complaints from families of missing persons have been compiled by these institutions. However, it is alleged that these institutions do not function effectively and that the authority of the Observatoire des Droits de l'Homme does not go beyond the gathering of information.

32. Finally, it is alleged that the perpetrators of enforced disappearances act in total impunity anywhere and at any time and that the Algerian authorities are unable to bring those perpetrators to justice, as provided for in article 14 of the Declaration.

33. The Government informed the Working Group of its decision to set up, on 30 August 1998, offices in each wilaya (constituency) for the purpose of receiving persons seeking explanations about their missing relatives. The concerned persons were invited to the headquarters of those institutions to explain their grievances and to provide all the files which might be relevant to the authority to help search for their relatives.

34. During the period under review, the Government also provided information on 10 individual cases. In two cases, the Government stated that the persons concerned had never been subjected to questioning or arrest by the authorities. In one case, the Government indicated that the person had been questioned by the Gendarmerie Nationale in relation to a terrorist crime, but had subsequently been released. In six cases, the Government reported that the investigations carried out were to no avail, and in one case, the Government stated that the person concerned had joined the terrorist groups and that a search warrant had been issued.

Angola

35. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Angola.

36. The four cases which remain pending on the Working Group's books concern four men who were allegedly arrested in 1977 by the Angolan security forces, in particular by the Angolan information and security directorate (DISA). Two of them were reportedly arrested because they were suspected of supporting the National Union for the Total Independence of Angola (UNITA).

37. During the period under review, the Government replied to the Working Group concerning the four outstanding cases. It stated that it had taken all possible steps to provide the Working Group with a response. However, it reported, the situation in Angola had deteriorated since the last elections, resulting in massive emigration and the weakening of legal institutions, which had been unable to extend their administration to the whole territory. As a result, no documentation was available on a number of Angolans who had died or disappeared.

38. Representatives of the Government met with the Working Group at its fifty-fifth session and reported that their country had been at war for 30 years and continued at war. Concerning the four outstanding cases, they stated that much time had elapsed since the disappearances and that thousands of citizens had disappeared during the war. They further stated that any investigation or explanation to resolve those cases was impeded by the fact that parts of the country remained out of reach of the central Government. They pointed out that even the United Nations Observer Mission in Angola (UNOMA) was unable to move freely and that the location and clarification of the four outstanding cases would only be possible in conditions of peace and the free movement of persons. They also stated that the exact identities of the missing persons and the circumstances of their disappearances were unknown to the Government. The representatives of the Government informed the Working Group of the existence of legal institutions which could, upon request by family members, deliver a declaration of temporary absence and, a few years later, a declaration of definitive absence. They also informed the Working Group that an ad hoc committee composed of representatives of the Government, UNITA and UNOMA had been established to investigate political disappearances. Furthermore, despite the fact that the Ministry for Social Reinsertion was in charge of investigating disappearances and had contacts with families of disappeared persons, the family members of the four persons reported to be missing had not submitted a claim to this competent authority.

Argentina

39. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Argentina.

40. The vast majority of the 3,453 reported cases of disappearance in Argentina occurred between 1975 and 1978 under the military dictatorship, in the context of its so-called war against subversion.

41. As in the past, a number of non-governmental organizations have continued to address themselves to the Working Group with regard to their ongoing quest to have the fate of the persons who disappeared in Argentina brought to light. In this connection, it was reported that legal redress for victims of human rights violations committed during the military dictatorship (1976-1983) had been exhausted with the amnesty laws, Ley de Punto Final (Full Stop Law)(Act 23,492) of 1986 and Ley de Obediencia Debida (Law of Due Obedience) (Act 23,521) of 1987, as well as with the indultos (presidential pardons), of 1989 and 1990, thus contributing to a climate of impunity. However, it was reported that new evidence had emerged since 1995, through revelations by former members of the security forces, regarding the systematic involvement of the armed forces in human rights violations. Former

Captain Alfredo Astiz had admitted having participated in operations by units of the Escuela Mecánica de la Armada (ESMA) (Navy mechanics school) aimed at abducting, disappearing or killing people. New information had also come to light from neighbouring countries regarding past collaboration between their security forces and the Argentine military government.

42. It was reported that the Cámara Federal (Federal Court) of Buenos Aires had opened an inquiry into the cases of people who disappeared after being taken to ESMA. Investigations into the cases of three foreign nationals were reopened. New criminal proceedings were initiated against senior members of the military regime on complaints relating to the offence of abduction of minors. Amnestied members of the armed forces had thus been charged with an offence not covered by the amnesty laws or presidential pardons.

43. The Working Group was informed that a trial in Italy pertaining to Italian citizens who disappeared in Argentina was continuing. In addition, it was reported that the Argentine authorities had rejected a request from a senior judge of Central Examining Court No. 5 of the Supreme Court of Spain for a former Argentine President to be summoned to appear in an investigation opened in Spain into the disappearance of 266 Spaniards or Argentine citizens of Spanish origin or descent. The request was rejected on the grounds that the alleged events took place in Argentina and that the case could only be tried by Argentine local authorities in the exercise of their sovereign power. Lastly, it was alleged that, although the authorities agreed to pay compensation to the families of some disappeared persons, investigations into the fate of the victims were not being conducted.

44. During the period under review, the Government of Argentina replied to the allegations of non-compliance with provisions of the Declaration made by non-governmental organizations. It advised the Working Group that laws 23,492 and 23,521 had been abrogated. It also clarified some allegations transmitted by the Working Group regarding recent judicial decisions of the Buenos Aires Federal Court and submitted information on the case of the disappearance of Dagmar Hagelin, the so-called Lapacó case, as well as information on the state of the investigation on disappeared children.

Bangladesh

45. During the period under review, no new cases of disappearance were transmitted to the Government of Bangladesh.

46. The one outstanding case, which reportedly occurred in 1996, concerns the organizing secretary of the Hill Women's Federation (an organization which reportedly campaigns for the rights of the indigenous people in the Chittagong Hill Tracts), who is said to have been forcibly taken from her home in the Chittagong Hill Tracts by security personnel before the general elections of 12 June 1996. It is believed that her abduction may have been linked to her support of a parliamentary candidate representing the interests of indigenous people.

47. During the period under review, the Government provided information on this case, stating that it had been thoroughly investigated by the Government Inquiry Commission and separately by human rights activist groups, prior to

and following the peace accord in the Chittagong Hill Tracts, and that relevant findings suggested that there was no evidence of any forced abduction. On the contrary, it was possible that she had left home with a friend, of her own volition.

Bolivia

48. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Bolivia.

49. The majority of the 48 cases of disappearance reported to the Working Group occurred between 1980 and 1982 in the context of measures taken by the authorities following two military coups d'état. Twenty of these cases have been clarified.

50. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Bosnia and Herzegovina

51. Between 1992 and 1995, some 20,000 persons disappeared in Bosnia and Herzegovina. As the Working Group's mandate does not cover international armed conflicts, the Commission on Human Rights established a special process on missing persons in the territory of the former Yugoslavia (resolutions 1994/72, 1995/35 and 1996/71). A member of the Working Group, Mr. Manfred Nowak, was entrusted with carrying out this task; his reports are contained in documents E/CN.4/1995/37, E/CN.4/196/36 and E/CN.4/1997/55. After his resignation on 26 March 1997, the Commission on Human Rights, in its resolution 1997/57, requested the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to act on behalf of the United Nations in dealing with the question of the missing.

52. Consequently, the Working Group decided, in May 1997, that, for the time being, cases of disappearance which had occurred in the Republic of Croatia and in Bosnia and Herzegovina until the date of entry into force of the Dayton Peace Agreement on 14 December 1995 would not be dealt with by the Working Group and, consequently, it would not report to the Commission on Human Rights on those cases. With respect to cases in other successor States of the former Yugoslavia and cases which occurred in Croatia and Bosnia and Herzegovina after 14 December 1995, the Working Group decided that it would examine those cases in accordance with its methods of work.

53. The Working Group has not received any newly reported cases of disappearance pertaining to the period after the entry into force of the Dayton Peace Agreement. With respect to the clarification of cases that occurred before 14 December 1995, the Working Group refers to the report of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (E/CN.4/1999/42).

Brazil

54. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Brazil.

55. Most of the 56 cases of disappearance transmitted to the Government by the Group occurred between 1969 and 1975 under the military government, in particular during the guerrilla warfare in the Aerugo region. The majority of those cases were clarified by the Working Group in 1996.

56. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Burkina Faso

57. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Burkina Faso.

58. The three outstanding cases of disappearance reported to the Working Group concerned two soldiers and a university professor, all of whom were reportedly arrested in 1989, together with 27 other persons, on charges of having participated in an alleged conspiracy against the Government.

59. Despite a number of reminders, no information has ever been received by the Working Group from the Government regarding these cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Burundi

60. During the period under review, the Working Group transmitted two newly reported cases of disappearance to the Government of Burundi.

61. The majority of the 51 cases of disappearance reported to the Working Group are said to have occurred in Bujumbura between November and December 1991, following attacks against the Government in the capital and the north-western provinces of Cibitoke and Bubanza, as well as in September 1994 in Kamenge and Cibitoke, suburbs of Bujumbura. Thirty-one cases concern persons of Hutu origin who were reportedly arrested by members of the security forces, mainly composed of the Tutsi minority. Most of them were later held at Mura and at paratroopers' barracks in Bujumbura, while others allegedly disappeared while in custody at the headquarters of the Gendarmerie's Special Investigations Brigade in Bujumbura. Other cases of disappearance allegedly concern Hutus, most of whom had reportedly been assembled and held by members of the security forces on the playing field of the Ecole technique supérieure in Bujumbura, Kamenge suburb. These persons, reportedly suspected of possessing arms, were said to have been arrested and taken away to an unknown destination. Two other cases of disappearance in 1995 allegedly concern persons arrested by gendarmes; one at a checkpoint in Bujumbura, and the other during an identity check on the outskirts of the capital. One case concerns a colonel responsible for military schools and the training centre of the

Burundian army, who was reportedly abducted prior to his departure for a seminar abroad. Two cases reportedly occurred in August 1997 in Makambo province, near the Tanzanian border, and concerned a parliamentarian and his driver who were reportedly arrested by members of the military on their way to the United Republic of Tanzania.

62. One of the two newly-reported cases of disappearance, both of which occurred in 1997, concerned an engineer and a former secretary-general of the Burundian People Union, an opposition political party; the other concerned a person who had been allegedly arrested by military forces from the military post of Kwipera.

63. Despite several reminders, no information has ever been received by the Working Group from the Government with regard to these cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Cambodia

64. During the period under review, the Working Group transmitted, for the first time, two cases of alleged disappearances to the Government of Cambodia, which reportedly occurred in 1998 and were sent under the urgent action procedure.

65. In both cases, the persons are reported to have disappeared on 9 September 1998 when police are said to have shot at 60 monks during a peace march. The incident is said to have occurred in the context of growing political tension and violence since September 1998 involving opposition politicians and their supporters, who are said to have engaged in protests against alleged electoral fraud, following the 26 July 1998 general elections, of which the ruling Cambodian People's Party was declared the winner.

66. During the period under review, information concerning developments in Cambodia having an influence on the phenomenon of disappearances and the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance were received from non-governmental organizations.

67. Allegations were received by the Working Group about the arrest of scores of people, possibly as many as 200, that have occurred in the context described above. It is said that the authorities have acknowledged only 22 arrests and have claimed that 19 of those persons were released. It is also believed that at least 20 people, and possibly many more, were killed in the two weeks following the crackdown on opposition protests. It is feared that the unacknowledged prisoners may be among the dead. There are also fears for the safety of all detainees, based on eyewitness accounts of the arrest of Buddhist monks, students and others, and separate eyewitness reports of dead bodies in Phnom Penh and the surrounding area, combined with denial by the Cambodian authorities that any of those killed were protestors.

68. During the period under review, no new information was received from the Government with regard to the two cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Cameroon

69. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Cameroon.

70. All six cases reported to the Working Group occurred in 1992. They concerned five young people aged 13 to 17, including three brothers, who were reportedly taken into police custody in Bamenda in February 1992 at the time of the arrest of the leaders of the Cameroon Anglophone Movement and over 40 peasants following a peaceful demonstration. The father of the three brothers also disappeared, after making inquiries as to the whereabouts of his children.

71. The Working Group has requested the Government to provide it with the court judgement concerning the person who alleged those disappearances and who was reportedly charged with making false claims and with the false use of a birth certificate.

Chad

72. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Chad.

73. Of the 12 cases of disappearance reported to the Working Group, one occurred in 1983, five in 1991 and six in 1996. One case concerned a member of the Democratic National Union who was reportedly taken prisoner in July 1983 in the context of clashes between government troops and opposition forces which took place at Faya-Largeau. Five cases concerned members of the Hadjerai ethnic group who were reportedly arrested on 13 October 1991 by the Chadian security forces. They are said to have been detained following an announcement by the authorities that an attempt by a section of the Chadian armed forces to overthrow President Idriss Deby had been thwarted. Six other cases concerned members of armed opposition groups allegedly arrested by the Sudanese security forces in 1996 at El Geneina, Sudan, near the Chadian border, and handed over to the Chadian security forces. They are alleged to have then been transferred to N'Djamena by members of the Agence nationale de sécurité.

74. Despite several reminders, no information has ever been received by the Working Group from the Government concerning these cases. The Working Group is, therefore, unable to report on the fate of the disappeared persons.

Chile

75. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Chile.

76. The vast majority of the 912 reported cases of disappearance in Chile occurred between 1973 and 1976 under the military government, and concerned political opponents of the military dictatorship from various social strata, most of them activists in Chilean left-wing parties. Those responsible for the disappearances were members of the army, the air force, the Carabineros and persons acting with the acquiescence of the authorities.

77. During the period under review, no new information was received from the Government of Chile.

78. During its fifty-sixth session, the Working Group received a number of communications to the effect that the arrest in the United Kingdom of the former Chilean dictator, General Augusto Pinochet, under whose military government, allegedly, hundreds of cases of enforced or involuntary disappearance occurred, opened the possibility of prosecuting and punishing. highly placed officials responsible for enforced or involuntary disappearances, confirming the emerging international consensus against impunity.

China

79. During the period under review, 14 new cases of disappearance were transmitted by the Working Group to the Government of China, two of which occurred in 1998 and were sent under the urgent action procedure. During the same period, the Working Group clarified four cases on the basis of information previously received from the Government to which no objection was received from the source; in all four cases, the persons concerned had been detained and subsequently released. The Working Group also clarified three cases on the basis of information provided by the source. In one case, the person had been released after several days in detention; in two other cases, the persons were in detention. At the same time, the Group retransmitted to the Government two cases, updated with new information from the source.

80. Most of the 87 cases of disappearance reported to have occurred in China took place between 1988 and 1990, but several cases are said to have occurred in 1995 and 1996. The majority of these cases concerned Tibetans. Allegedly, some of them disappeared after being arrested for writing or singing national poems or songs. Nineteen of these cases concerned a group of Tibetan monks who had reportedly been arrested in Nepal, interrogated by Chinese officials while in detention and, allegedly, turned over to the Chinese authorities at the Jatopani border. One of the disappeared persons is said to have been arrested for having participated in a religious ceremony in which a prayer was offered for the long life of the Dalai Lama, and several others were reportedly arrested in Lhasa in 1995 and 1996 for having distributed leaflets containing political messages. Four monks who reportedly disappeared in 1996 were allegedly accused of having produced pro-independence posters and leaflets containing prayers for the health and safety of the child who was recognized by the Dalai Lama on 14 May 1995 as the reincarnation of the late Panchen Lama, and who was reported to have disappeared. Several other persons are reported to have disappeared following celebrations to mark the thirtieth anniversary of the founding of the Tibet Autonomous Region. Other persons who reportedly disappeared were human rights activists involved in pro-democracy activities. One other case is said to have occurred in 1995 in Beijing and concerns a writer who was reportedly arrested two days after signing a petition entitled "Greeting the United Nations Year of Tolerance, we appeal for the realization of tolerance in China", on the occasion of the sixth anniversary of the 1989 Tianamin Square incident. Three of the reported cases concerned persons who disappeared after the incidents in Beijing in 1989.

81. During the period under review, the Government provided information on six individual cases of reported disappearance. With regard to four cases, the Government replied that the persons had been detained and released; in one other case, the Government replied that the person was currently in a re-education-through-labour facility. In the case of the mother of the boy, Gedhun Nyima, who was reportedly recognized as the reincarnation of the tenth Panchen Lama by the Dalai Lama in 1995, the Government replied that she was also known under another name and was currently serving a prison sentence.

Colombia

82. During the period under review, the Working Group transmitted 54 newly reported cases to the Government of Colombia, 50 of which reportedly occurred in 1998. Fifty of these cases were transmitted under the urgent action procedure. During the same period, the Group clarified three cases on the basis of information provided by the Government on which the sources did not make any observations during the six-month period. In two cases, the Government had reported that the persons had been found alive, or had been killed and the corpses found. In the other case, the person was being held in the prison of the Judicial Circuit of Turbo in the department of Antioquia. With regard to the newly reported cases transmitted by the Working Group on 15 December 1998, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

83. The majority of the 1,060 reported cases of disappearance in Colombia have occurred since 1981. The cases include those of persons belonging to civic, social and human rights groups who had denounced human rights violations and abuses by members of the security forces or paramilitary groups.

84. The newly reported cases transmitted in 1998 occurred mainly in the municipalities of Apartado and Bello in the department of Antioquia; in the municipality of El Carmen del Atrato in the department of Choco; in the municipality of Santa Elena del Opon and in Barrancabermeja City in the department of Santander and in the capital of the country, Santa Fé de Bogotá. Most of the abductions and detentions leading to disappearances were carried out by members of paramilitary groups whose actions were believed to be undertaken in complicity with, or to be overlooked by, members of the security forces, very often in areas of heavy military presence. In a few cases, the army was allegedly responsible for the detention.

85. During the period under review, the Government transmitted information on 93 outstanding cases. Most of the replies contained details of legal proceedings carried out by various authorities dealing with the cases. The Government also submitted information on measures it had taken to protect members of the human rights non-governmental organization, Association of Relatives of Disappeared Detainees (ASFADDES), who had been the subject of several acts of intimidation, harassment and threats, as well as a bomb explosion in its offices in Medellín in June 1997. Several persons were injured and the Association's files were destroyed.

86. The Government of Colombia also reported that it had submitted to the Congress a bill which defined the crime of enforced disappearance and established severe penalties.

87. The Working Group received reports from non-governmental organizations suggesting that the main recommendations made by the Group following its visit to Colombia in 1988 had not been implemented. It was alleged that enforced disappearances of civilians by paramilitary organizations allied to the security forces and declared illegal by the Government in 1989 had escalated dramatically in several departments of the country, including Antioquia, Choco, Cesar, Santander and Sucre. It was reported that such groups frequently acted with the acquiescence of the armed forces. The Government's failure to take action to halt paramilitary crimes was illustrated by recent events in the department of Santander and in the Urabá region of Antioquia department. Civilians suspected of being guerrilla sympathizers continued to be the principal victims of enforced disappearance. It was alleged that human rights defenders and members of non-governmental organizations continued to be subjected to a violent campaign of harassment, intimidation and attacks.

88. It was reported that families of victims of enforced disappearance and non-governmental organizations acting on their behalf were continuing to call for a thorough and impartial investigation into cases of enforced disappearance, in accordance with article 13 of the Declaration. It was said that although official investigations had been initiated, the fate of most of the disappeared persons remained unknown and only a few people had been brought to justice. It was alleged that judicial investigations have stagnated, enabling those responsible to benefit from impunity.

89. It was also alleged that in spite of formal denunciation of disappearances by the families, authorities showed little interest in the cases and make no immediate attempt to investigate them. It was said that, in many cases, the authorities to whom applications were made, had either denied competency in the case or had recommended that the relatives apply to another authority. It was said that the relatives of the missing persons are forced into a bureaucratic nightmare, seemingly designed to guarantee the impunity of those responsible.

90. Lastly, it was reported that, in recent years, paramilitary organizations had increasingly practised selective disappearance of civic leaders perceived as real or potential guerrilla supporters. It was said that paramilitary groups often used "black lists" to identify community leaders, before abducting them. It was further stated that these disappearances were often aimed at subjugating communities.

Croatia

91. As the Working Group's mandate does not cover international armed conflicts, the Commission on Human Rights established a special process on missing persons in the territory of the former Yugoslavia (resolutions 1994/72, 1995/35 and 1996/71). A member of the Working Group, Mr. Manfred Nowak, was entrusted with carrying out this task; his reports are contained in documents E/CN.4/1995/37, E/CN.4/196/36 and E/CN.4/1997/55. After his resignation on 26 March 1997, the Commission on Human Rights, in

resolution 1997/57, requested the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to act on behalf of the United Nations in dealing with the question of the missing.

92. Consequently, the Working Group decided in May 1997 that, for the time being, cases of disappearance which had occurred in the Republic of Croatia and in Bosnia and Herzegovina, until the date of entry into force of the Dayton Peace Agreement on 14 December 1995 would not be dealt with by the Working Group and, consequently, the Group would not report to the Commission on Human Rights on those cases. With respect to cases in other successor States of the former Yugoslavia and cases which occurred in Croatia and Bosnia and Herzegovina after 14 December 1995, the Working Group decided that it would examine those cases in accordance with its methods of work.

93. The Working Group's secretariat has not received any newly reported cases of disappearance pertaining to the period after the entry into force of the Dayton Peace Agreement. With respect to the clarification of cases that occurred before 14 December 1995, the Working Group refers to the report of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (E/CN.4/1999/42).

Cyprus

94. As in the past, the Working Group continued to remain available to assist the Committee on Missing Persons in Cyprus. The Working Group noted that in 1998 the overall situation relating to that Committee's work had remained as indicated in its previous report (E/CN.4/1998/43, paras. 148-151).

Democratic Republic of the Congo

95. During the period under review, 18 new cases of disappearance were transmitted by the Working Group to the Government of the Democratic Republic of the Congo, all of which occurred in 1998 and were sent under the urgent action procedure.

96. The majority of the 39 reported cases of disappearance concerned, on the one hand, persons suspected either of being members of the guerrilla group, Parti de la révolution populaire, or political activists who disappeared between 1975 and 1985, and, on the other hand, Rwandan refugees who disappeared in 1998. One other case concerned a journalist who was allegedly abducted from his home in 1993 by members of the Division spéciale présidentielle and the civil guard, and interrogated on the premises of the State radio station, Voix du Zaïre, and four men who were allegedly arrested in Likasi in 1994 by soldiers and detained for almost two months before being transferred to Kinshasa; since then their whereabouts have remained unknown. Two cases concerned villagers from Kitshanga who were reportedly arrested by members of the Zairian Armed Forces in September 1996 on their way to Goma, the capital of North Kivu. Another case concerned a man said to have been arrested, also in September 1996, by members of the Service d'actions et de renseignements militaires (Service for Action and Military Intelligence).

97. The 18 newly reported cases concern Rwandan refugees who have allegedly been abducted by the Tutsis military in Kisangani, the majority of whom are women and their children, abducted together with their parents. One case concerned a professor who was allegedly arrested by members of the Rwandan Patriotic Army in the presence of students and other professors. Another case concerns the minister of the church of Mvuka Ma Bundu who was allegedly taken to the military camp of Kokolo.

98. During the period under review, no information was received from the Government of the Democratic Republic of the Congo. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Dominican Republic

99. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Dominican Republic.

100. Of the two outstanding cases, one concerns a person who was arrested in June 1984 in Santo Domingo and who subsequently disappeared. The other concerns a university lecturer, who was also a journalist and political activist, and who was reportedly detained in May 1994 by members of the army and subsequently taken to a military base.

101. During the period under review, the Government of the Dominican Republic provided information on one of the cases, in which it referred to information it had submitted in the past and stated that the person concerned had a criminal record for crimes which included rape and leaving the country illegally, and therefore it was not unlikely that he was out of the country.

Ecuador

102. During the period under review, the Working Group transmitted to the Government of Ecuador one newly-reported case of disappearance, which allegedly occurred in 1997.

103. The majority of the 21 cases of disappearance reported in the past occurred between 1985 and 1992 and concerned persons who were reportedly arrested by members of the Criminal Investigation Service of the National Police. The disappearances occurred in Quito, Guayaquil and Esmeraldas. In three cases the victims were children.

104. The newly-reported case concerns a Colombian citizen who is said to have been detained by members of the army, in Portoviejo City, under an arrest warrant on charges of arms-trafficking, and to have subsequently disappeared.

105. During the period under review, the Government of Ecuador provided information to the Working Group on the investigations carried out by the Government into another case of a Colombian citizen who disappeared in Quito in June 1997. According to the Government, its investigations had revealed that the missing person did not have a criminal record and had not left or entered the country between 1992 and 1997; however, his whereabouts were still unknown and the Government was continuing its investigations.

Egypt

106. During the period under review, one new case of disappearance, which occurred in 1998, was transmitted to the Government of Egypt under the urgent action procedure. This case was subsequently clarified when the source reported that the person concerned had been released from detention. During the same period, the Working Group retransmitted one case to the Government, updated with new information from the source.

107. Of the 20 cases of disappearance reported to the Working Group, eight have been clarified. Of the 12 outstanding cases, the majority allegedly occurred between 1988 and 1994. The victims included alleged sympathizers of Islamic militant groups, students, a trader, a doctor and three citizens of the Libyan Arab Jamahiriya. The renewal of the state of emergency during this period, which reportedly gave free rein to the security forces, without supervision or accountability, is said to have been an aggravating factor in the disappearances. Two other reported cases concern Egyptian citizens arrested in 1995 and 1996, respectively, by members of the State Security Investigation Department. One of the persons concerned was reportedly arrested at his home in Abu Qeraas, south of Cairo, and the second at his shop in Bani Sueif, south of Cairo.

108. The newly-reported case concerned a farmer who was arrested in Mallawi together with a lawyer. He was allegedly detained at the police station in Mallawi before being transferred to another detention centre.

109. During the period under review, the Government provided information to the Group on 13 cases of disappearance. In one case, it confirmed information provided by the source that the person had been released. In two other cases, it stated that further endeavours to trace the persons had failed and that no additional information was available, but that the authorities are continuing their investigations. In 10 other cases, involving three Libyan nationals, the Government reported that the security authorities had made every endeavour to trace the missing persons and had sent circulars to the air and sea ports and land border posts. The Government further indicated that neither security nor legal measures had been taken against those persons. Finally, the Government assured the Group that no efforts would be spared to find the missing persons and that the Government would keep the Group informed of any new information.

El Salvador

110. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of El Salvador.

111. The majority of the 2,661 reported cases occurred between 1980 and 1983, in the context of the armed conflict between the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN). Many victims disappeared following arrest by uniformed soldiers or uniformed police, or abduction in death-squad-style operations carried out by armed men in civilian clothing, reportedly linked to the army or to the security forces. Abductions by armed men in civilian clothing were, in some cases, subsequently recognized as detentions, which raised allegations of links with the security forces.

112. A number of non-governmental organizations continued to address themselves to the Working Group with regard to their ongoing quest to have the fate of the persons who disappeared in El Salvador brought to light. In this connection, it was reported that little had been done to clarify outstanding cases of disappearance in accordance with the Salvadoran State's international obligation to have complaints investigated thoroughly and impartially, in accordance with article 13 of the Declaration. Concern was expressed regarding the pending cases of enforced disappearance. Reference was made to the Amnesty Law adopted in 1993, only five days after the publication of the report of the Truth Commission, and the interruption of all investigations of the cases thereafter by the tribunals. Two legal recourses on the unconstitutionality of the Amnesty Law had not had any positive results so far.

113. It was also said that the efforts of a Salvadoran NGO to find the whereabouts of 520 missing children, some of whom were on the Working Group's list of disappeared, had encountered non-cooperation from the armed forces and other State institutions, a lack of political will on the part of the Government to resolve problems relating to the identity of children who had been found and a delay in justice in cases submitted to the tribunals. In spite of that, 98 children had been found by this private organization and reunited with their families in 10 different countries. The Working Group continued to receive allegations concerning the deficiencies of the criminal investigation system.

114. During the period under review, the Government of El Salvador replied to the allegations of non-compliance with provisions of the Declaration made by non-governmental organizations. It reported that the crime of the enforced disappearance of persons had been included in the new Salvadoran Penal Code, in articles 364 to 366, under the chapter entitled "Crimes against humanity". The amendment of the penal law, as well as the creation of the National Civil Police and the establishment of the National Council for Human Rights, had been carried out within the framework of the Peace Agreement signed in 1992 between the Government of El Salvador and the FMLN.

115. The Government also informed the Working Group that it had reactivated the investigation into the outstanding cases of disappearance, beginning with those that occurred between 1980 and 1983. Lastly, the Government reiterated its willingness to cooperate with the investigations being carried out by the NGO Asociación Pro-Búsqueda de Niños y Niñas Desaparecidos into the disappearance of children.

Equatorial Guinea

116. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Equatorial Guinea.

117. The three previously reported cases of disappearance concern members of political opposition parties who were reportedly arrested in Malabo on 9 and 10 August 1993. The police authorities, however, reportedly refused to disclose any information on their whereabouts.

118. Despite several reminders, no information has ever been received by the Working Group from the Government on the three outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Eritrea

119. During the period under review, the Working Group transmitted, for the first time, 34 cases of disappearance, which occurred in 1998 and were sent under the urgent action procedure.

120. The cases, which allegedly occurred on 23 August 1998, concern 34 Ethiopian nationals who were reported to have been arrested by the Eritrean police in front of the Ethiopian embassy in Asmara.

121. During the period under review, no information has been received by the Working Group from the Government concerning the cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Ethiopia

122. During the period under review, the Working Group transmitted five newly-reported cases of disappearance to the Government of Ethiopia, two of which allegedly occurred in 1998 and were sent under the urgent action procedure. During the same period, the Working Group retransmitted three cases updated with new information from the source.

123. The majority of the 110 cases of disappearance reported to the Working Group occurred between 1991 and 1996 under the transitional Government, and concerned members of the Oromo ethnic group suspected of participating in the Oromo Liberation Front who were arrested in Addis Ababa or disappeared from the Huso military detention camp in western Ethiopia. Other cases concerned members of the Ogaden National Liberation Front (a political party) who disappeared in Region Five in eastern Ethiopia, also known as the Ogaden, an area reportedly inhabited by ethnic Somalis and in which there were reports of cases which occurred between 1974 and 1992 after the military Government took power and concerned mainly, although not exclusively, high-ranking officials of Emperor Haile Selassie's Government and members of the Oromo ethnic group, in particular those believed to be involved with the Oromo Liberation Front, or persons accused of involvement with opposition political groups, including the Ethiopian Socialist Movement. One case, which occurred in 1996, concerned an Ethiopian refugee in Djibouti who was reportedly arrested at a refugee camp in Djibouti by members of the Djibouti police and handed over to the Ethiopian authorities.

124. Of the five newly-reported cases, which allegedly occurred between 1995 and 1998, one concerned a former politician during the reign of Emperor Haile Selassie. Two other cases concerned persons who were active in the OLF, during its legal participation in the transitional Government. One other case concerned a person who had been allegedly arrested at the train station in Dire Dawa and then taken to Dire Dawa prison.

125. During the period under review, the Government provided information on a case reported previously to the Working Group and subsequently clarified. The Government reported that the person concerned was currently detained in Addis Ababa for alleged incitement to crime.

Greece

126. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Greece.

127. Two of the outstanding cases were transmitted to the Government in 1993 and concern Albanian cousins who were reportedly taken by the police in Zagora the same year. The third case concerns a Swiss citizen who was reportedly travelling from Greece to Italy in 1995 on a Greek ship and who was denied entry into Italy and returned to Greece on the same ship.

128. In the past, the Government provided information to the Working Group on all three of the outstanding cases. With regard to the two Albanian cousins, the Government reported that, on the night of their disappearance, they were at a hostel together with other illegal immigrants. The Government provided details of its investigation, which it said was continuing. In connection with the case of the Swiss citizen, the Government reported that in the past, the subject had twice been denied entry into Greece and had been expelled from the country on several occasions for involvement in international criminal activity. The Government stated that the Italian authorities had returned him to Greece on the Greek ferry, but that no official exit of the subject from the ship had been recorded and that he might have gone ashore before a passenger disembarkation control took place. The Government further reported that the competent authorities were conducting an investigation and any results of their search would be communicated to the source and the subject's family.

129. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Guatemala

130. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Guatemala.

131. Concerned about the number of disappearances in Guatemala, the Working Group undertook a visit to that country in 1987. The report on that mission (E/CN.4/1988/19/Add.1) included a recommendation that efforts should be made to improve the functioning of habeas corpus procedures, to protect the life of witnesses, as well as of individuals and members of organizations reporting cases, and to adopt effective measures to prevent and clarify disappearances.

132. The majority of the 3,151 reported cases of disappearance in Guatemala occurred between 1979 and 1986, mainly under the military regime and in the context of the Government's fight against the Unidad Revolucionaria Nacional Guatemalteca (URNG). The cases have been described in detail in the Group's previous reports. On 29 December 1996, the Government of Guatemala and the

URNG signed, in Guatemala City, the Agreement on a Firm and Lasting Peace, thus completing the negotiating process between the two parties. Following the signing of the Agreement, there has been a trend towards greater respect for human rights. However, the ratification by the Congress of the Republic, on 12 December 1996, of the National Reconciliation Act was criticized by some as an amnesty for perpetrators of serious human rights violations, including disappearances.

133. During the period under review, the Government provided information on 39 individual cases; in 24 cases it reported that the missing persons had died and submitted copies of their death certificates or certificates of presumption of death, and in 14 cases that the persons concerned had been found living at liberty, some of them after having been released from detention. One of the 39 cases continued under investigation by the Government.

Guinea

134. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Guinea.

135. The majority of the 28 reported cases in Guinea occurred in 1984 and 1985 in the context of a coup d'état. The Working Group has received no reports of disappearances occurring in Guinea after 1985.

136. During the period under review, no new information was received from the Government with respect to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Haiti

137. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Haiti.

138. The majority of the 48 reported cases of disappearance occurred in three waves during the periods 1981-1985, 1986-1990 and 1991-1993. Most of the cases which occurred during the first period concerned members or supporters of the Haitian Christian Democrat Party who were allegedly arrested by members of the armed forces or by the Tonton Macoutes. The cases that occurred during the second period concerned persons who were reportedly arrested by armed men in civilian clothes, members of the Anti-Gang and Investigation Service, and by the police. The last wave of cases took place in the aftermath of the coup d'état which ousted elected President Aristide.

139. During the period under review, no new information was received from the Government with respect to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Honduras

140. During the period under review, the Working Group transmitted a newly-reported case of disappearance to the Government of Honduras. It concerns a Jesuit priest who was allegedly captured by the army in 1983 after entering the country from Nicaragua with a guerrilla column.

141. The majority of the 198 cases of enforced disappearance reported to the Working Group occurred between 1981 and 1984, a period during which members of Battalion 3-16 of the armed forces and heavily armed plain-clothes men seized people perceived as ideological enemies, at their homes or on the street, and took them to clandestine detention centres. The systematic practice of disappearance ended in 1984, although sporadic cases continued to occur.

142. The Working Group called to the Government's attention the harassment to which leaders of the non-governmental organizations, the Committee of Relatives of the Disappeared in Honduras (COFADEH) and the Committee for the Defence of Human Rights in Honduras (CODEH), were being subjected, particularly Ms. Liduvina Hernández, Ms. Bertha Olivia de Nativi and Mr. Ramón Custodio. According to information received, the harassment was linked to their intervention in cases of enforced disappearance.

143. During the period under review, the Working Group received information from non-governmental organizations concerning the implementation in Honduras of the Declaration on the Protection of All Persons from Enforced Disappearance. The Working Group was informed that, although efforts have been made to prosecute some military officers responsible for past cases of disappearance, until now only one of them was summoned by a court of justice to answer for the fate of disappeared persons. However, on 22 February 1998, the First Criminal Court in Tegucigalpa ruled in favour of applying amnesty laws to these persons. It was said that the issue of impunity is manifested in the failure to bring to justice members of the armed forces charged with past disappearances, despite the issuing of arrest warrants against them. It was added that amnesty laws approved between 1987 and 1991 are being interpreted as precluding the possibility of charging those responsible.

144. It was also pointed out that the authorities are thus failing to fulfil their obligations under article 13 of the Declaration to conduct thorough and impartial investigations into all cases of enforced disappearance. Lastly, concerns were expressed for the security of human rights defenders who were the target of attacks and threats as a result of their work on behalf of victims of human rights violations. It was also reported that applications for habeas corpus have not been dealt with as promptly as required by the Constitution and unfailingly have produced no results whatsoever.

145. During the period under review, no information was received from the Government of Honduras.

India

146. During the period under review, the Working Group transmitted 33 newly-reported cases of disappearance to the Government of India, 14 of which reportedly occurred in 1998. Five cases were sent under the urgent action

procedure. During the same period, the Working Group clarified three cases on the basis of information previously received from the Government, on which no objection was received from the source; in all three cases, the persons concerned had been arrested or summoned for interrogation and released on bail. Regarding the newly-reported cases transmitted by the Working Group on 15 December 1998, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

147. The majority of the 305 cases transmitted to the Government of India occurred between 1983 and 1995, in the context of ethnic and religious disturbances in the Punjab and Kashmir regions. The disappearances in both regions were primarily attributable to the police authorities, the army and paramilitary groups acting in conjunction with, or with the acquiescence of, the armed forces. In Kashmir, numerous persons are said to have disappeared after armed encounters with security forces. The disappearances were alleged to have been the result of a number of factors related to the wide powers granted to the security forces under emergency legislation, in particular the Terrorist and Disruptive Activities Act and the Public Security Act. In addition to allowing preventive detention, these laws reportedly allowed prolonged detention without the many other normal safeguards available under the criminal codes. The victims have included shopkeepers, a lawyer who was reportedly well known for defending Sikhs detained in Punjab, journalists, human rights activists, students and others.

148. The majority of the newly-reported cases of disappearance occurred in Kashmir; 13 occurred in the province of Assam. Two new cases were reported from Manipur, one of which relates to a 15-year-old schoolboy who is alleged to have been arrested at his home by personnel of the 17th Rajputana Rifles.

149. During the period under review, information concerning developments in India having an influence on the phenomenon of disappearance and the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances were received from non-governmental organizations.

150. Serious concern was expressed to the Group about a new and alarming trend accompanying recent cases of disappearance following arrests or abductions occurring in areas of armed conflict in India. Reportedly, the abduction on 6 September 1995 of the human rights activist, Jaswant Singh Khalra, in Amritsar, and his subsequent disappearance, is typical of the practice of Indian security forces, whereby lawyers, journalists and human rights activists have been made to disappear to instill fear among the people.

151. Information was also received on laws issued throughout the 1980s, which, in addition to the "cash bounty system", are said to give security forces shoot-to-kill powers, broad detention powers and immunity from prosecution. Particular concern has been expressed with regard to the Terrorist and Disruptive Activities Act (TADA), which, it is said, continues to be applied, despite the announcement by the Government of India, in May 1995, that it had not been renewed.

152. It has also been alleged that the National Human Rights Commission (NHRC), established by the Government, has no power to investigate human

rights violations directly, no jurisdiction over violations committed by the security and military forces, and no power to prosecute violators or compensate victims. Moreover, it is said that NHRC is only allowed to handle those killings that allegedly occurred within the year.

153. In Manipur, a state in the north-eastern region of India, it has been alleged that there is routine denial of a range of human rights, particularly those of a growing number of children in the context of armed conflict, where impunity is said to prevail. Grave concern has been expressed about attempts by the armed forces to prevent judicial inquiries ordered by the State government into the disappearance of a 15-year-old schoolboy, Yumlembam Sanamacha, who was reportedly arrested by members of the 17th Rajaputana Rifles on 12 February 1998. Allegedly, in many cases of disappearance, the army has taken shelter behind the Armed Forces (Assam and Manipur) Special Powers Act of 1958, which, it is said, confers on the armed forces broadly defined shoot-to-kill powers and provides them with virtual immunity from prosecution.

154. During the period under review, the Government also provided information on eight individual cases of reported disappearance, mostly from Jammu and Kashmir and Assam. With regard to four cases, the Government replied that the persons had been arrested or summoned for interrogation and subsequently released or held in judicial custody. In two other cases, the Government replied that the persons were residing at home and that one of them had never been apprehended. In a further case, the Government replied that, following a stay of arrest ordered by the High Court, the person had been granted anticipatory bail. In one other case, the Government replied that a habeas corpus petition was at present pending before the Guwahati High Court. In the case of the disappearance of the 15-year-old schoolboy from Manipur, the Government replied that he had been apprehended by the security forces during a search operation on suspicion of belonging to a terrorist organization, the United National Liberation Front, and had managed to escape when the security forces, who were taking him to be handed over to the police, had been attacked by members of "Meira Peibis", a women's organization, seeking to effect the release of the persons apprehended. The Government also stated that a case had been filed with the Imphal Bench of Guwahati High Court regarding the alleged disappearance and that a counter affidavit had been filed by the Army Court.

Indonesia

155. During the period under review, the Working Group transmitted 65 newly-reported cases of disappearance, 61 of which occurred in 1998, to the Government of Indonesia; 34 cases were sent under the urgent action procedure. During the same period, the Working Group clarified two cases on the basis of information previously received from the Government on which no objection was received from the source; in both cases the Government stated that the persons concerned had been arrested following an armed confrontation and were being detained while awaiting due process of law. One other case was clarified on the basis of previous information submitted by the Government, in which it was reported that the person was currently detained; the information was subsequently confirmed by the source. Six other cases were clarified on the basis of information submitted by the source in which it was reported that the

persons concerned had either been located, released or were detained in prison. At the same time, the Group retransmitted to the Government six cases, updated with new information from the source. Regarding the newly-reported cases transmitted by the Working Group on 15 December 1998, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

156. The majority of the 550 cases of reported disappearance occurred in 1992 following the incident at Santa Cruz cemetery in Dili, East Timor, where, on 12 November 1991, security forces opened fire on peaceful demonstrators during a memorial service for two youths who had been killed in a clash with the police. Over 200 persons are alleged to have disappeared on or shortly after 12 November 1991.

157. The majority of the newly-reported cases of disappearance concerned students involved in anti-government demonstrations in East Timor, Jakarta and Sumatra, among them the leader of the Indonesian Students' Solidarity for Democracy. Many of the cases of disappearance occurred in East Timor and in Jakarta. Nine cases of disappearance reportedly occurred following the violent break-up by the military of a flag-raising ceremony in Biak on 6 July 1998 or during student confrontations with the Indonesian security forces at the University of East Timor. Twenty-eight cases of disappearance were allegedly linked to a number of arrests made between January and May 1998 and are thought to be part of counter-insurgency operations by the Indonesian Special Forces (KOPASSUS) against Aceh Merdeka, the armed separatist movement in Aceh. Some of the other reported cases of disappearance concerned members of the Komite Nasional Penyelamat Demokrasi (KNPD), the People's Democratic Party (PRD), including the head of the West Sumatra Indonesian Democratic Party (PDI) and the Deputy Secretary-General of the Indonesian Democratic Party (PDI-Struggle). The Director of the Legal Aid Institute (Lembaga Bantuan Hukum) in Jakarta is also reported to have disappeared. Eight cases concerned political prisoners who are reported to have disappeared from Baucau prison at Dili.

158. During the period under review, information concerning developments in Indonesia having an influence on the phenomenon of disappearance and the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances were received from non-governmental organizations.

159. According to recent reports received from non-governmental organizations on disappearances in Aceh and East Timor, 34 people from Aceh are alleged to have disappeared following their arrest between January and May 1998, reportedly by Satuan Tugas Strategis dan Taktis Kopassus, a unit of the Indonesian Special Forces (KOPASSUS) in the area of Pidle. The arrests are, allegedly, linked to the Indonesian Armed Forces counter-insurgency operations against Aceh Merdeka, the armed separatist movement in Aceh.

160. It is alleged that government-imposed restrictions on access for human rights monitors to certain areas in Indonesia and East Timor and to places of detention in general, have resulted in difficulties in obtaining and verifying information. Allegations were also received about the holding of detainees, especially those outside Jakarta or other major cities, incommunicado, without access to independent human rights lawyers or to their families.

161. During the period under review, the Government also provided information on 31 individual cases of reported disappearance. It also provided the Working Group with a list of persons currently held in the Baulau and Becora prisons, as well as of persons held at the Becora prison during the period June-July 1997. In 14 of the cases, the Government replied that the persons concerned were not on the list of those currently held in prison. In two other cases, the Government informed the Working Group that the individuals had been arrested and were currently under detention. In another two cases, the Government replied that the authorities concerned had attested that there was no record of arrest of the persons alleged to have disappeared and that there were no data confirming that they had lived at any time or were living at present in the district. Based on these findings, the Government contends that it is now confirmed that the allegations of the arrest of the two persons is merely a fabrication, as indeed could be their very existence. Furthermore, in the list provided to the Group by the Government of persons held in Becora prison during the period June-July 1997, two names were similar to cases of disappearance reported to the Working Group in 1997. One other name indicated on the list corresponded to the first name of four cases of disappearance reported to have occurred in 1990 and 1991.

Iran (Islamic Republic of)

162. During the period under review, the Working Group transmitted two newly-reported cases of disappearance to the Government of the Islamic Republic of Iran. During the same period, the Working Group clarified one case on the basis of information previously provided by the Government that the person had been arrested on charges of fraud and released after the plaintiff withdrew the complaint, and on which no observations were received from the source within a period of six months.

163. The majority of the 512 cases of reported disappearance occurred between 1981 and 1989. Some of the missing persons were reportedly arrested and imprisoned for their alleged membership in armed opposition groups. The newly-reported case concerned an Iranian writer who was detained at Mehrabad Airport in Tehran as he was leaving the country to visit his family abroad. He is said to be an outspoken critic of the Government.

164. During the period under review, the Government provided information on two individual cases of reported disappearance. With regard to one of the cases reported to have occurred in 1989, the Government replied that the person concerned had been arrested in 1984, tried by a competent court with due process of law, sentenced to 12 years' imprisonment and released in 1990 after being pardoned. In the other case, the Government replied that the person concerned had died as a result of a brain stroke caused by an accident and that his body had been delivered to his family for burial.

Iraq

165. During the period under review, the Working Group transmitted 18 newly-reported cases of disappearance to the Government of Iraq. With

regard to the newly-reported cases transmitted by the Working Group on 15 December 1998, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

166. The great majority of the 16,514 cases of disappearance reported to have occurred in Iraq concern persons of the Kurdish ethnic group who allegedly disappeared in 1988, in the course of the so-called operation "Anfal", when the Government of Iraq reportedly implemented a programme of destruction of villages and towns throughout Iraqi Kurdistan. A significant number of other cases concern Shi'a Muslims who are reported to have disappeared in the late 1970s and early 1980s in the course of the expulsion of their families to the Islamic Republic of Iran on the allegation that they were of "Persian ancestry". Other cases occurred following the March 1991 uprising by Arab Shi'a Muslims in the south and by Kurds in the north. Earlier cases took place in 1983, when Iraqi forces arrested a large number of Kurds from the Barzani clan, near Arbil. Some 30 cases which reportedly occurred in 1996 concern members of the Yazidi community who were allegedly arrested during a wave of mass arrests in Mosul by members of the security forces. Other cases concerned Shi'a Muslims who were reportedly detained in Karbala in 1996 as they were going on a pilgrimage. Victims of disappearance in Iraq include suspected political opponents, or those arrested because of a family tie to a political opponent, or those held hostage in order to force relatives sought by the authorities for their political opposition to surrender, and those arrested because of their ethnic origin.

167. Of the 18 newly-reported cases, most of which are said to have occurred between 1991 and 1996, seven concern persons who are allegedly members or related to members of religious parties. Three other cases concern persons who had activities within government-related institutions such as the army, the Baath party or the Intelligence. In two cases, the persons concerned had allegedly taken part in the March 1991 uprisings. One case of a person who disappeared in 1980 concerned a Shiite Muslim member of a religious party.

168. During the period under review, information concerning developments in Iraq having an influence on the phenomenon of disappearance and the implementation of the Declaration were received from non-governmental organizations.

169. It is alleged that disappearances continue to occur in Iraq, especially involving members of minority groups, and that the Government has failed to address conditions which still allow such disappearances to take place. Detainees reportedly have no access to their families or lawyers, and trials, when held, are reportedly conducted in secret. Particular concern was expressed about the vast number of disappearances which remain unresolved, and the total impunity with which the perpetrators reportedly continue to act, in violation of articles 3 and 14 of the Declaration. It is alleged that, in violation of article 19 of the Declaration, no redress is available to the victims or their families.

170. During the period under review, the Government of Iraq provided information to the Working Group on 17 cases. In 14 cases, it replied that

the persons concerned had fled to Germany during the disturbances in 1991. In three cases, the Government replied that the persons concerned, who were of Iranian origin, had been deported to Iran in 1981.

Israel

171. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Israel.

172. Of the two cases which remain pending, one reportedly occurred in 1992 in Jerusalem and concerns a man who allegedly did not return home from work. He is believed to be detained in a prison in Tel Aviv. The other case concerns a Palestinian who was reportedly arrested in 1971 on the day a bomb had exploded in Gaza. Although he was allegedly seen in detention, his whereabouts remain unknown.

173. During the period under review, no new information was received from the Government of Israel with respect to either of these cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Kuwait

174. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Kuwait. During the same period, the Working Group retransmitted to the Government one case, updated with new information from the source.

175. The one outstanding case, which was submitted in 1993 by a relative of the victim, concerns a so-called "bedouin" of Palestinian origin with a Jordanian passport. After the retreat of the Iraqi forces from Kuwait in 1991, the subject was allegedly arrested and is believed to be detained by the Kuwaiti secret police.

176. During the period under review, the Government stated that the case occurred when the situation in Kuwait was not fully under the control of the legitimate authorities and reiterated its willingness to cooperate in the manner the Working Group deemed appropriate. The family requested the Working Group to continue its efforts in order to clarify the case. The Government later indicated that a Committee composed of senior officials representing the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of the Interior and the Department of Public Prosecutions had been established with a view to resolving this case. This Committee reportedly had held two meetings to examine all possible ways and means of bringing the case to a satisfactory conclusion and was continuing its investigations into the case. The Government further stated that this case had also received the attention of the National Assembly's Commission for the Defence of Human Rights. Finally, the Government expressed its wish to invite a member of the family of the missing person to visit Kuwait in order to resolve this outstanding case.

Lao People's Democratic Republic

177. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Lao People's Democratic Republic.

178. The one outstanding case, which reportedly occurred in 1993, concerns the leader of the repatriation groups returning to the Lao People's Democratic Republic who reportedly left his residence with an official from the Department of the Interior to go to the Department of the Interior to discuss the future home for the returning repatriation groups. Since then his whereabouts have remained unknown.

179. During the same period, the Government again replied to the Working Group concerning the one outstanding case of disappearance, advancing several possible explanations for the subject's disappearance. In the past, the Government reported that a thorough investigation into the circumstances of the disappearance of the person concerned had been undertaken. However, his whereabouts remain unknown.

Lebanon

180. During the period under review, the Working Group transmitted one newly-reported case of disappearance to the Government of Lebanon, which reportedly occurred in 1998, and was sent under the urgent action procedure. During the same period, the Working Group clarified this one case when the source reported that the person concerned had been released from detention.

181. The majority of the 288 cases of disappearance reported to the Working Group in the past occurred in 1982 and 1983 in the context of the Lebanese civil war. Those responsible for the disappearances are said to have belonged to the Phalangist Militia, the Lebanese Army or its security forces; in some cases, the Israeli Army was also reportedly involved in the arrest, together with one of the other forces mentioned. Most of the detentions occurred in Beirut and its suburbs. Certain reports indicated that the arrests were made by armed men in civilian clothes operating from vehicles. In a number of cases, the missing person was reportedly arrested and taken away from the Sabra and Chatila camps in September 1982. In some cases which reportedly occurred in 1984, 1985 and 1987, the arrested persons were foreign nationals who were abducted in Beirut. In some of these cases, religious groups such as the "Islamic Holy War" later claimed responsibility for the abductions. In a few cases, including two cases which occurred in 1990, the missing persons were reportedly arrested by members of the Syrian army or security services at checkpoints, before being transferred to and detained in the Syrian Arab Republic. One case which allegedly occurred in June 1997, in Akkar, north Lebanon concerned a medical doctor who was reportedly abducted by members of the Syrian military intelligence. His arrest is thought to relate to his alleged membership in an illegal political party.

182. The newly-reported case concerns a supplier of agricultural material who was reportedly abducted by members of the Syrian military intelligence in

Hammana and later released from detention. In accordance with its methods of work, a copy of this case was also sent to the Government of the Syrian Arab Republic.

183. As in the past, concern was expressed to the Working Group that the fate of those who have disappeared in Lebanon has still not been determined nor the perpetrators brought to justice. It was further alleged that both Lebanese citizens and stateless Palestinians continue to disappear in Lebanon, taken into custody there by Syrian security forces and then transferred to and detained in the Syrian Arab Republic. Allegedly, the Government of Lebanon not only acquiesces in such activities by the Government of Syria, but sometimes also collaborates with Syrian forces in carrying out disappearances, in violation of article 2 (1) of the Declaration.

184. There are said to be no effective official government mechanisms in Lebanon for families to learn of the whereabouts of their relatives and to seek legal remedy. Reportedly, family members and lawyers are unable to obtain any form of official acknowledgment from the Lebanese authorities of the arrest, detention or abduction, or the whereabouts of the individuals who reportedly disappeared, thus placing these persons outside the protection of the law, in violation of article 10 of the Declaration. Families of the disappeared are said to be afraid to report the disappearance, for fear of worsening the situation of their loved ones or putting themselves at risk of harassment or reprisal.

185. During the period under review, the Government of Lebanon provided information on one case of disappearance. It replied that the medical association of north Lebanon did not know any doctor by that name and was unaware of the detention or disappearance of any doctor in north Lebanon. During the same period, the Government of Syria provided information on one case in which the Syrian Military Intelligence was reportedly implicated, stating that the person concerned had been released.

Libyan Arab Jamahiriya

186. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Libyan Arab Jamahiriya.

187. Of the three reported cases of disappearance, one concerning a Palestinian national who was arrested at the Palestinian camp near Salloum has been clarified. Of the two outstanding cases, one concerns a Palestinian who was reportedly arrested in Tubruk on suspicion of having links with a religious opposition movement, and the other case, transmitted in 1994, concerns a Sudanese translator at the International Centre of Research of the Green Book in Tripoli, who reportedly disappeared in 1993.

188. During the period under review, no new information was received from the Government with regard to the two outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Malaysia

189. During the period under review, the Working Group transmitted, for the first time, two cases of disappearance to the Government of Malaysia, both of which occurred in 1998 and were sent under the urgent action procedure. These cases of disappearance concerned Achehnese activists of Indonesian nationality with permanent residential status in Malaysia. One of the cases was subsequently clarified by the Working Group on the basis of information received from the source that the person is being held in detention.

190. During the period under review, information concerning developments in Malaysia having an influence on the phenomenon of disappearance and the implementation of the Declaration were received from non-governmental organizations.

191. According to information received by the Working Group, current political tensions in Malaysia have resulted in the arrest of a number of prominent political opponents, who are being held in incommunicado detention under the Internal Security Act for the peaceful expression of their views. It is reported that the Act allows the police to detain, without warrant, for an investigation period of up to 60 days, any person suspected of threatening the national security or economic life of Malaysia. The Minister of Home Affairs may subsequently, and without reference to the courts, issue detention orders of up to two years, renewable indefinitely.

192. Allegations were also received about disappearances in 1998 of Acehnese asylum seekers from Indonesia, in the context of the detention of thousands of undocumented foreigners currently detained in Malaysia. It is said that the Government of Malaysia asserts that those Acehnese asylum seekers detained are illegal immigrants who should be repatriated as part of an ongoing campaign against economic migrants. The Malaysian authorities have reportedly refused the Office of the United Nations High Commissioner for Refugees (UNHCR) and other monitors access to these detainees in detention centres and police stations.

193. During the period under review, the Government of Malaysia provided information to the Working Group on the two cases. In both cases, the Government replied that the persons had been arrested and released, and that, at the request of the families and the Ministry of Foreign Affairs, the Royal Malaysian Police was conducting a complete and comprehensive investigation as to their whereabouts.

Mauritania

194. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Mauritania.

195. The one outstanding case reportedly occurred in 1990 and concerned a 21-year-old man said to have been taken by members of the National Guard in a village in southern Mauritania during a nightly curfew. Reportedly, at that time, many people belonging to the Hal-Pulaar ethnic group in the south of the country were subjected to human rights violations, allegedly carried out by government forces and the Haratine militia.

196. During the period under review, no new information was received from the Government with regard to the outstanding case. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Mexico

197. During the period under review, the Working Group transmitted 10 newly-reported cases of disappearance to the Government of Mexico, seven of which occurred in 1998. Six cases were sent under the urgent action procedure. During the same period, the Working Group clarified seven cases on the basis of information previously provided by the Government on which the source had not made observations within the six-month period. The Working Group also decided to discontinue its consideration of two old cases, since the relatives of the missing persons reiterated their desire not to pursue the issue any further.

198. The majority of the 353 reported cases of disappearance in Mexico occurred between 1974 and 1981. Ninety-eight of these cases took place in the context of the rural guerrilla warfare which was waged in the mountains and villages of the State of Guerrero during the 1970s and the beginning of the 1980s. Twenty-one other cases occurred in 1995, mostly in the States of Chiapas and Veracruz; the majority of these persons were members of several Indian, peasant and political organizations.

199. Five of the 10 newly-reported cases of disappearance occurred in the State of Guerrero; two in the State of Oaxaca; one in the State of Baja California Norte; one in Jalisco and one in the Federal District. The victims were mainly peasants. The Federal Judicial Police and the Judicial Police of the State of Guerrero were mentioned as responsible in four cases; the army in four other cases and agents in civilian clothes in two cases.

200. Rrepresentatives of the Mexican National Commission on Human Rights met with the Working Group at its fifty-fourth session and reiterated their desire to continue cooperating with the Group. They reported that a total of 111 working missions had been carried out by the National Commission to 29 States of the Federation. Two investigators had taken part in each visit, which was generally for a period of approximately five days. At the beginning of 1998, the National Commission had urged the governors of the various States to agree to forward to the Commission all documents having to do with the finding of unidentified corpses, in order to assist the Commission in setting up a national centre for information on non-identified corpses.

201. During the period under review, the Government provided information on 40 individual cases of disappearance. In seven cases, it reported that the persons concerned had been found living at liberty; in one case, the person concerned had been found in detention; in four cases, the remains of the missing persons had been found; and in 28 cases the investigations were continuing.

202. Concern was expressed by several non-governmental organizations that, in spite of efforts to prevent and terminate acts of enforced disappearance, the practice of enforced disappearance in Mexico had again, as in the 1970s become

commonplace. It was said that most of the cases of disappearance reported over the past few years presented evidence of official participation in their perpetration. However, the pace of investigation was said to be sluggish, prosecutions were considered rare and those responsible continued to benefit from impunity.

203. It was reported that the crime of enforced disappearance was not specified in the Mexican Penal Code. It was said that the sanctions for the category of illegal deprivation of freedom, provided for in that Code, were not adequate for sanctioning enforced disappearance.

204. It was also reported that recent changes in legislation had institutionalized military involvement in issues of internal security, thus widening the scope for enforced disappearance and other human rights violations. The General Law for the Establishment of the Bases for Coordination of the National and Public Security Systems allowed military officials to replace heads of police bodies. In March 1996, the Supreme Court of Justice had ruled that the armed forces could indeed take part in public security operations, including carrying out arrests, if the President of the Republic deemed it necessary. Military personnel currently held key offices in the State attorney-generals' Offices and the Federal Attorney-General's office. The Federal Law against Organized Delinquency, approved in October 1996, gave the security forces greater powers to detain suspects without an arrest warrant issued by a judge.

205. It was also alleged that disappearances of short duration were increasing. Community and grass-roots activists and peasants had been detained and held in incommunicado detention and released days later. Some had testified to being held in clandestine detention centres, some of which were allegedly located in military barracks.

206. It was said that in the northern States of Chihuahua, Sinaloa and Baja California, relatives and human rights monitors were deterred from presenting complaints of cases of disappearance for fear of being implicated in drug-trafficking. Lastly, it was alleged, by several Mexican non-governmental organizations, that the climate of harassment and the pressure exerted against human rights defenders had been worsening.

Morocco

207. During the period under review, the Working Group transmitted nine newly-reported cases to the Government of Morocco, one of which reportedly occurred in 1998. During the same period, the Working Group clarified 19 cases, on the basis of information received from the source. In 15 cases, it was reported that the persons concerned had been released after several years in secret detention. In three other cases, the persons had been released and had subsequently died as a result of ill-treatment. In one case, the person had died in custody. The Group retransmitted to the Government four cases, updated with new information from the source.

208. The majority of the 242 cases of disappearance transmitted to the Government were reported to have occurred between 1972 and 1980. Most of them concerned persons of Saharan origin who were reported to have disappeared in

territories under the control of the Moroccan forces, because they, or their relatives, were known or suspected supporters of the Polisario Front. Students and better educated Saharans were reported to have been particularly targeted. In some instances, disappearances allegedly followed the mass arrest of persons after demonstrations or before visits of prominent persons or officials from other countries. One reported case concerns a 37-year-old man who was allegedly detained by the police in May 1997 in El Aioun.

209. Disappeared persons were reported to have been confined in secret detention centres, such as Laayoune, Qal'at M'gouna, Agdz and Tazmamart. Cells in some police stations or military barracks, and secret villas in the Rabat suburbs, were also allegedly used to hide the disappeared. Despite the release in 1991 of a large group of disappeared prisoners, several hundred other Western Saharans are said to remain unaccounted for and their families are reportedly still pursuing their inquiries with the Moroccan authorities and detention centres.

210. The nine newly-reported cases are alleged to have occurred between 1976 and 1998, mainly in El-Ayoun and Smara. The forces said to be responsible for the arrests include the Department of Territorial Security, the Criminal Investigation Police and the Royal Armed Forces.

211. During the period under review, the Government of Morocco provided the Working Group with information on one case, stating that the person concerned had never been arrested or detained.

Mozambique

212. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Mozambique.

213. The two previously reported cases both occurred in 1974. One concerned a doctor who was said to have been arrested in 1974 in a hotel in Blantyre, Malawi, and to have been taken first to Mozambique and then to the southern part of the United Republic of Tanzania. It was believed that he was then transferred to Niassa province, Mozambique. The other case concerned a doctor who was said to have been arrested at his home in Matola and imprisoned at the headquarters of Frelimo troops in Boane, and later in Maputo. His family have been unable to determine his whereabouts.

214. Despite several reminders, no information has ever been received from the Government of Mozambique with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Nepal

215. During the period under review, the Working Group transmitted four newly-reported cases of disappearance, which occurred in 1998, to the Government of Nepal, all of which were sent under the urgent action procedure.

216. The four outstanding cases of disappearance reported to the Working Group occurred in 1985 and concern four men who reportedly disappeared from

police custody in 1985. In late 1984, a series of nationwide political protests started in Nepal. In June 1985, following bomb explosions in Kathmandu and other cities, numerous persons were reportedly arrested and some of them were allegedly held in incommunicado detention for several months.

217. It is reported that the four newly-reported cases of disappearance occurred in the context of ongoing police operations in the mid-western region of Nepal, following the declaration of a "people's war" by the Communist Party of Nepal (CPN) (Maoist) in February 1996, apparently aimed at flushing armed members of CPN (Maoist) out of their jungle hide-outs. One of the reported cases relates to an elected member of the Rukum District Development Committee who was also former Rukum District President of the Samyukta Jana Morcha (SJM), United Peoples' Front (Bhattarai), the political wing of CPN (Maoist).

218. During the period under review, information concerning developments in Nepal having an influence on the phenomenon of disappearance and the implementation of the Declaration were received from non-governmental organizations.

219. It is reported that the recent disappearances followed the start of a police operation, reportedly initiated on 26 May 1998, which had resulted in an alarming deterioration in the country's human rights situation.

220. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Nicaragua

221. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Nicaragua.

222. Of the 234 cases reported to the Working Group, 131 have been clarified. Most of these cases occurred between 1979 and 1983, in the context of the internal armed conflict which took place during the decade of the 1980s. Many of the reports of these disappearances pointed to the involvement of members of the army, the former Sandinistas, the former General Directorate for the Security of the State and the Frontier Guard. Two cases, however, reportedly occurred in 1994: one concerned a farmer who was allegedly detained by a group composed of members of the army and the police, and the other concerned a person allegedly accused of being a member of the Recontras armed group.

223. During the period under review, no information was received by the Working Group from the Government concerning the outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the persons concerned.

Nigeria

224. During the period under review, the Working Group transmitted to the Government of Nigeria, for the first time, one newly-reported case of disappearance, which reportedly occurred in 1998 and was sent under the urgent action procedure.

225. The case concerns a human rights activist who was allegedly arrested at the International Airport of Murtala, Lagos by security forces.

226. To date, no information has been received from the Government of Nigeria with regard to this case. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared person.

Pakistan*

227. During the period under review, the Working Group transmitted to the Government of Pakistan 16 newly-reported cases of disappearance, one of which occurred in 1998 and was sent under the urgent action procedure. Subsequently, during the same period, the Working Group clarified the case which occurred in 1998, on the basis of information received from the source that the person had been released from custody. The case concerned the Chairman of the United Kashmir People's National Party (UKPNP), who is reported to have been abducted on 18 January 1998 by armed men in plain clothes using vehicles bearing government number plates. At the same time, the Group retransmitted to the Government one case updated with new information from the source.

228. The majority of the 76 cases of reported disappearance in Pakistan concerned members or sympathizers of the political party Muhajir Qaomi Movement (MQM), who were allegedly arrested in Karachi by the police or security forces during 1995. Most of the other reported cases allegedly occurred in 1986 and between 1989 and 1991, and concerned persons of Afghan nationality with refugee status in Pakistan, most of whom were said to have been affiliated with the "Harakate Inghilabe Islami" party of Afghanistan. The abductions reportedly took place in Peshawar, North-West Frontier province, by persons belonging to a rival party, the "Hezb-e-Islami Afghanistan", which was alleged to be acting with the acquiescence of the Paskistani authorities. Four other cases reportedly occurred in 1996 and concerned members of the same family who were reportedly abducted from their home in Islamabad by agents of the military intelligence.

229. The majority of the cases transmitted in 1998 are said to have occurred between 1995 and 1996 in Karachi or other parts of urban Sindh in the context of State police operations conducted against Mohajirs believed to be affiliated to MQM. Responsibility for most of the disappearances was attributed to the police and the paramilitary rangers.

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* Mr. Hilaly did not participate in the decisions relating to this subsection of the report.

230. The newly-reported case of disappearance which occurred in 1998 concerned the Chairman of UKPNP.

231. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Paraguay

232. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Paraguay.

233. Of the 23 cases transmitted by the Working Group to the Government, 20 have been clarified. All of these cases occurred between 1975 and 1977 under the Government of President Alfredo Stroessner. Several of the disappeared persons were members of the Communist Party, including its Secretary-General. Although disappearances took place in the capital, Asunción, the majority of the cases affected the rural population and were carried cut in the districts of San José, Santa Helena, Piribebuy and Santa Rosa.

234. During the period under review, no new information was received from the Government of Paraguay with regard to these cases.

Peru*

235. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Peru. During the same period, the Working Group clarified a case on the basis of information previously provided by the Government to the effect that the concerned person had been released, a reply on which no observation was received from the source within a period of six months.

236. The vast majority of the 3,004 cases of reported disappearances in Peru occurred between 1983 and 1992 in the context of the Government's fight against terrorist organizations, especially the Communist Party of Peru, Shining Path (Sendero Luminoso) and the Tupac Amaru Revolutionary Movement (MRTA). In late 1982, the armed forces and police undertook a counter-insurgency campaign and the armed forces were granted a great deal of latitude in fighting Sendero Luminoso and in restoring public order. The majority of reported disappearances took place in areas of the country which had been under a state of emergency and were under military control, in particular in the departments of Apurimac, Ayacucho, Huancavelica, San Martín and Ucayali. Detentions were frequently carried out openly by uniformed members of the army and the Infantry Navy, sometimes together with the Civil Defence Groups.

237. Out of concern for the situation of disappearances in Peru, two members of the Working Group, at the invitation of the Government, visited Peru

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* Mr. Diego Garcia-Sayán did not participate in the decisions relating to this subsection of the report.

from 17 to 22 June 1985 and again from 3 to 10 October 1986, on the Group's behalf. Their reports are contained in documents E/CN.4/1986/18/Add.1 and E/CN.4/1987/15/Add.1.

238. During the period under review, the Government of Peru provided the Working Group with replies on three individual cases, reporting that the concerned persons were never detained by the armed forces, although the investigations were continuing.

239. The Government of Peru also stated that the Congress of the Republic had, on 21 February 1998, approved Act No. 26926 amending various articles of the Penal Code and qualifying as crimes against humanity the crimes of genocide, enforced disappearance and torture. According to new article 320 of the Penal Code, any civil servant or public officer who deprives a person of liberty by ordering or performing actions that result in the person's duly verified disappearance, shall be punished by deprivation of liberty for not less than 15 years and by disqualification. The offence of enforced disappearance shall be handled through the ordinary procedures and before the civilian courts.

Philippines

240. During the period under review, the Working Group transmitted two newly reported cases of disappearance, both of which occurred in 1998, to the Government of the Philippines. During the same period, the Working Group clarified one case on the basis of information previously provided by the Government and on which no observations were received from the source within a period of six months. In this case, the Government replied that the person had voluntarily surrendered following a firefight between the troops of the 68th Infantry Battalion and the New Peoples' Army (NPA), and had applied for protective custody and amnesty under the Government's amnesty programme. He is now said to be under protective custody of the 68th Infantry Battalion. The Government also sent an affidavit signed by the person concerned.

241. The majority of the 655 reported cases of disappearance occurred in the late 1970s and early 1980s, virtually throughout the country, and took place in the context of the Government's anti-insurgency campaign.

242. During the period 1975-1980, the persons who disappeared were reportedly farmers, students, social workers, members of Church groups, lawyers, journalists and economists, among others. The arrests were carried out by armed men belonging to an identified military organization or to a police unit such as the Philippine Constabulary, the Central Intelligence Unit, the military police and other organizations. In the following years, reported cases of disappearance concerned young men living in rural and urban areas, described as members of legally constituted student, labour, religious, political or human rights organizations, which the military authorities have claimed are a front for the outlawed Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA). Among the groups most commonly targeted were said to be KADENA (Youth for Democracy and Nationalism) and the National Federation of Sugar Workers. One case, which reportedly occurred in 1995, concerned a health worker who disappeared in Mindanao; another case, which is said to have taken place in 1996, concerned a farmer

who was allegedly arrested while travelling in an area where the Philippine army is said to have been conducting military operations against suspected NPA rebels.

243. Despite the peace talks initiated by the Government with several opposition movements, disappearances have continued in the 1990s, mainly in the context of action by the security forces against NPA, the Moro National Liberation Front, the Mindanao Islamic Liberation Front, the Citizen Armed Forces Geographical Units and the Civilian Volunteer Organizations.

244. The two newly reported cases transmitted in 1998 concern farmers from Agusan del Norte who are said to have been captured by the 58th Battalion of the Philippine army in the context of military operations. In both cases, the persons are believed to have been killed and their bodies buried, but the families fear to visit the area because of threats they have allegedly received from the perpetrators.

245. During the period under review, information concerning developments in the Philippines having an influence on the phenomenon of disappearances and the implementation of the Declaration were received from non-governmental organizations.

246. It is alleged that none of the 1,654 cases of reported disappearances that occurred since the beginning of the Marcos regime have been completely resolved by the Government of the Philippines. Allegedly, 759 persons disappeared during the Marcos regime between 1971 and 1986; 830 disappeared during the Aquino Administration between 1986 and 1992; and 65 persons disappeared during the Ramos Administration between 1992 and 1998. Reportedly, the Fact-Finding Committee on Involuntary Missing Persons set up through former President Ramos' Memorandum Order No. 88 of 8 February 1993, has not carried out any investigation into disappearances. It is alleged that certain identified perpetrators of these violations continue to remain in active government duty and that the Government has not initiated a process of investigation and prosecution of them. Allegations have also been received that threats and harassment of witnesses by perpetrators involved in disappearances has made the filing of lawsuits difficult.

247. Allegations were also received that the Government's claim that compensation is being paid to families of the disappeared is incorrect and that only a one-time financial assistance in the form of a grant is provided to the immediate families of victims.

248. During the period under review, the Government of the Philippines replied to the allegations submitted by non-governmental organizations. It refuted the allegation that not one case of disappearance had been completely resolved by the Government, stating that the record of the Working Group showed that not only the number of cases reported had declined from 653 to 500 between 1980 to 1997, but that the majority of the cases had been clarified by the Government. With reference to the allegation that identified perpetrators continued to remain in active government duty, the Government stated that, if that was true, those "making the allegations should identify them" and "provide evidence that these are indeed 'perpetrators'". Pointing out that "the Philippine justice system operates on the principle of innocence

until proven guilty", the Government stated that major difficulties it was encountering were related to the failure of sources to provide additional information and to the lack of witnesses. It informed the Group that it had "strengthened its witness protection programme" and that witnesses could also avail themselves of similar programmes of the Department of Justice and the Philippine Commission on Human Rights. Responding to the allegation that threats and harassment of witnesses had made lawsuits difficult to file, the Government replied that "recent convictions with maximum penalties by Philippine courts of powerful politicians, including a mayor and congressman, belie this allegation".

249. During the period under review, the Government provided information concerning 162 individual cases of reported disappearance. In 18 of the cases, the Government requested additional information. Furthermore, based on a review it had conducted of 494 outstanding cases of alleged disappearance in the country from 1975 to 1997 that the Group had transmitted as of January 1997, the Government referred back 95 other cases to the Group with a request that it obtain additional information from the source to facilitate further verification.

250. In 49 of the cases, the Government requested that the name be deleted from the Working Group's list either because the minimum requirements set by the Working Group had not been met, the source had not refuted/contradicted the reply provided by the Government, the alleged missing person seemed to be fictitious/non-existent, there was no indication of military/police involvement, non-government forces appeared to be involved, the person had been released from military/police custody with proper documentation, or the person had since returned to his family or place of residence.

251. With regard to the cases of disappearance which date back many years, the Government replied that a renewed indication of interest from the family of the alleged victim would be necessary in terms of securing additional information or making it possible for witnesses to surface and avail themselves of the newly strengthened witness protection programme of the Department of Justice and to give material evidence.

252. The Government further informed the Working Group that, as the second phase of the review, 350 of the individual cases would be updated/followed up by the military and police authorities and the results communicated to the Group. The examination of the Working Group's response to the recommendation for deletion and the referrals would be considered as the third phase of the review. It informed the Working Group that a comprehensive government response to the allegations of disappearances, particularly on the issue of impunity, would be submitted at the conclusion of the review.

253. At its fifty-fourth and fifty-fifth sessions, the Working Group met with representatives of the Government of the Philippines and engaged in an exchange of views with regard to the cases which remain pending. The Government expressed its willingness to cooperate with the Working Group in examining, in particular, the 49 cases that it had requested be deleted from the Working Group's list following the review of pending cases conducted by the inter-agency group established by the Government of the Philippines. It referred, in particular, to the problems it faced in resolving a number of

cases due to a lack of witnesses and lack of more detailed information and underlined the importance of renewed interest shown by relatives of persons whose disappearance dated back several years.

Russian Federation

254. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Russian Federation.

255. The majority of the 193 cases transmitted in the past, concerned persons of ethnic Ingush origin who reportedly disappeared in 1992 during the fighting between the ethnic Ossetians and the Ingush. A large number of other cases are reported to have occurred in Chechnya, the majority in late 1994 and early 1995. The Russian military forces were allegedly responsible.

256. In the past, the Government had informed the Working Group that investigations were being carried out on the outstanding cases by the General Procurator's Office of the Ministry of Internal Affairs and the Federal Security Service, and that the Group would be kept informed of the results. The Government also indicated that investigations were being carried out throughout the northern Caucasus region in the Chechen Republic by officials of the Ministry of the Interior of the Russian Federation in order to locate the whereabouts of 33 of the 35 persons reported to have disappeared in Chechnya. The Government suggested that representatives of the Ministry of the Interior of the Chechen Republic meet the persons who had reported the disappearances in order to obtain information which would help it to determine the fate of the disappeared persons. However, the Working Group has not yet received any information on the outcome of these investigations.

257. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Rwanda

258. During the period under review, the Working Group transmitted to the Government of Rwanda five newly reported cases of disappearance, which reportedly occurred in 1998. Four were sent under the urgent action procedure. During the same period, the Working Group clarified one case on the basis of information received from the source. With regard to the newly reported case transmitted by the Working Group on 15 December 1998, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

259. Five of the 16 outstanding cases of disappearance reported to the Working Group occurred in 1990 and 1991 in the north of the country, in the context of the ethnic conflict between Tutsis and Hutus. Three other cases took place in 1993 in northern Rwanda and concerned students from the Seventh-Day Adventist University in Mudende who were suspected of supporting the Rwandese Popular Front. Three other cases of disappearance allegedly occurred in 1996. One concerned the mayor of Nyabikenke, who is reportedly of Hutu origin and who is said to have been detained by members of the armed

forces. Another case concerned a journalist who was allegedly arrested by the military police on the grounds that he was an accomplice to genocide, and was later released. The third case concerned a mechanic from Kigali who was reportedly arrested by soldiers of the Rwandese Patriotic Army on the grounds that his father and brothers had committed crimes during the genocide of 1994.

260. Of the cases which allegedly occurred in 1998, one concerns a woman who was reportedly abducted from home by alleged members of the Gendarmerie Nationale. Another case concerns a former senior civil servant who was reportedly abducted from home by members of the Gendarmerie Nationale posted in Remera. The third case concerns a journalist who worked for the Rwandan national television station but was suspended from his duties before his abduction. The fourth case concerns a person who was allegedly arrested by members of the Rwandan Patriotic Army. One last case concerns an administrative manager of a soap factory who had accommodated foreign employees of ICRC at home and is reportedly held at the military camp of Kigali.

261. To date, no response has been received from the Government with regard to the outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Saudi Arabia

262. During the period under review, the Working Group transmitted one newly reported case to the Government of Saudi Arabia. With regard to this case transmitted by the Working Group on 15 December 1998, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

263. The case concerns a lecturer at King Saud University. After his disappearance, his residence was reportedly searched by security service officers and his bank account frozen. His wife and children were reportedly banned from travelling outside the country.

Seychelles

264. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Seychelles.

265. The three reported cases of disappearance allegedly occurred on the main island of Mahé in the years 1977 and 1984. All three persons are said to have been abducted shortly after they left their homes by persons believed to belong to the security forces. At least two of the persons were reportedly known opponents of the Government.

266. No new information was received from the Government with regard to these cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the missing persons.

South Africa

267. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of South Africa.

268. The majority of the 11 cases of disappearance reported to the Working Group occurred between 1976 and 1982 in Namibia. Since, at that time, Namibia was under South African jurisdiction and responsibility for the disappearance was imputed to agents of South Africa, the cases have been retained on the South Africa country file in accordance with the Working Group's methods of work.

269. During the same period, the Government provided the Working Group with information regarding one individual case of disappearance. It replied that the Amnesty Committee, a branch of the South African Truth and Reconciliation Commission had been seized of this particular case and that a decision had not yet been made on the amnesty applications with regard to the incident involving the person. The Government also stated that the Working Group would be informed of the decision. Subsequently, the Working Group requested that it be informed of the outcome of these hearings. The Government later informed it that the Amnesty Committee in South Africa had heard former members of the South African Police, Security Branch, regarding the disappearance of the person concerned. According to the evidence given under oath and accepted by the Committee, the person concerned had been abducted and killed. His body had then been burnt and thrown in a river.

Sri Lanka

270. During the period under review, the Working Group transmitted 13 newly reported cases of disappearance to the Government of Sri Lanka, four of which occurred in 1998 and were sent under the urgent action procedure. During the same period, the Working Group clarified 32 cases on the basis of information previously received from the Government, on which no objection was received from the source: in 24 cases, the person concerned had been released; in four cases, the persons had been released on bail; in two cases, the persons had either been kept in custody by decision of a magistrate court or was in prison; in one other case, the person had returned home; in another case, the person had been killed. The Working Group further clarified 15 cases on the basis of information previously received from the Government which was subsequently confirmed by the source; in 12 of the cases, the persons concerned had either been arrested and released or released on bail, produced before the magistrate court or taken into custody by the court; in four other cases, the persons had been traced and remained in custody in known detention centres. Two other cases were clarified on the basis of information submitted by the source in which it was reported that the Chargé d'affaires at the Embassy of Sri Lanka in Brussels, Belgium, had confirmed that the persons concerned had been "arrested by an unknown group" and had been subsequently released on 13 March 1998. At the same time, the Group retransmitted to the Government seven cases, updated with new information from the source. With regard to the newly reported cases transmitted by the Working Group on 15 December 1998, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

271. Since the establishment of the Working Group in 1980, 12,221 cases of disappearance alleged to have occurred in Sri Lanka have been reported to the Working Group. The cases occurred in the context of two major sources of conflict in that country: the confrontation of Tamil separatist militants and government forces in the north and north-east of the country, and the confrontation between the People's Liberation Front (JVP) and the government forces in the south. The cases reported to have occurred between 1987 and 1990 took place mostly in the Southern and Central Provinces of the country, during a period in which both security forces and JVP resorted to the use of extreme violence in the contest for State power. In July 1989, the conflict in the south took a particularly violent turn when JVP adopted even more radical tactics, including enforced work stoppages, intimidation and assassination, as well as targeting family members of the police and army. To thwart the JVP military offensive, the State launched a generalized counter-insurgency campaign and the armed forces and the police appear to have been given wide latitude to eliminate the rebel movement and restore law and order in any way they saw fit. By the end of 1989, the armed forces had put down the revolt.

272. The cases reported to have occurred since 11 June 1990, the date of resumption of hostilities with the Liberation Tigers of Tamil Eelam (LTTE), have taken place primarily in the Eastern and North-Eastern Provinces of the country. In the north-east, the persons most often reported detained and missing were young Tamil men accused or suspected of belonging to, collaborating with, aiding or sympathizing with LTTE. Tamil persons internally displaced owing to the conflict and staying in informal shelters such as church or school centres were particularly at risk of detention and disappearance. The most frequently utilized method of detention in the north-east was the cordon-and-search operation in which the army, often in conjunction with the police, and particularly the Special Task Force, went into a village or a rural area and detained scores of persons. Many were released within 24 to 48 hours, but a percentage of the persons remained in custody for questioning.

273. The majority of the newly reported cases occurred in the north between 1990 and 1997 and concerned fishermen who had either disappeared or were taken into custody following the alleged shelling of their boats by the Sri Lankan Navy. Two other cases concerned displaced persons residing at the Poomthoddam camp in the Vavuniya district who were reportedly taken into custody by members of the security forces. Another two cases concerned persons believed to have been detained by uniformed soldiers near Maha Oya, in the Batticala district.

274. During the period under review, information concerning developments in Sri Lanka having an influence on the phenomenon of disappearances and the implementation of the Declaration were received from non-governmental organizations.

275. It is alleged that, despite progress made by the current Government of Sri Lanka to provide redress and to prevent disappearances from occurring, disappearances continue to occur at high levels, particularly since the resumption of the armed conflict between the security forces and LTTE in April 1995. It is said that perhaps the single most important factor

contributing to the phenomenon of disappearance is that of impunity. Concern was expressed that, to date, the Government has not made any amendments to the Prevention of Terrorist Act (PTA), which, it is said, continues to allow for up to 18 months of detention on administrative order, under three-monthly renewable detention orders. It is also said that the procedures laid down in the Emergency Regulations for post-mortems and inquests into deaths resulting from actions of security forces personnel continue to facilitate extrajudicial executions by the security forces.

276. Reportedly, virtually no one allegedly responsible for disappearances has been prosecuted, even where investigations have been carried out and those allegedly responsible identified. The Indemnity (Amendment) Act, 1988, it is said, provides immunity from prosecution to all members of the security forces, members of the Government and government servants involved in enforcing law and order between 1 August 1977 and 16 December 1988, provided that their actions were carried out "in good faith" and in the public interest. Furthermore, Section 26 of the Prevention of Terrorism Act (PTA) is said to provide immunity from prosecution for "any officer or person for any act or thing done or purported to be done in good faith in pursuance or supposed pursuance of any order made or direction given under this Act".

277. Allegations were further received about detainees held in secret places of detention, especially in the Jaffna peninsula, Colombo and Vavuniya, in spite of the requirement that detainees can only be held in officially gazetted places of detention. It is alleged that, although keeping a detainee in a place not authorized as a place of detention was made a specific offence under the Emergency Regulations, no member of the security forces has so far been charged under these provisions.

278. It is alleged that safeguards relating to the maintenance of registers of detainees, including a central register of detention, provided within the framework of the Human Rights Commission of Sri Lanka and presidential directives to the security forces, are not being fully implemented. With regard to habeas corpus, major problems are said to remain in the current law and practice. In areas outside Colombo, the local high courts have the power to hear habeas corpus petitions, but in practice have not heard any such cases. In Jaffna, it is reported that no high court has been functioning and that the only option is for relatives of people who have disappeared in Jaffna to travel to Colombo to file petitions before the Court of Appeal. Concern was expressed that, while petitions filed before the Court of Appeal in Colombo are reportedly dealt with more speedily than in the past, delays continue to be considerable. It is alleged that, on average, it takes approximately two and a half years from the filing of a petition to it being considered by the court.

279. It is further alleged that "the pattern of reprisals" directed at families of disappeared persons for the purpose of intimidation, continues. This, it is said, is shown by the case of Krishanthy Kumarasamy, whose mother, brother and neighbour disappeared after having been taken into custody at the same army checkpoint where Krishanthy had been arrested before and where they had inquired about her whereabouts.

280. During the period under review, the Government of Sri Lanka replied to the allegations made by non-governmental organizations. It refuted the allegation that there is a continuing sense of impunity and that no one allegedly responsible for disappearances has been prosecuted, stating that "while there are unavoidable legal delays, strong deterrent punishments have been imposed on offenders among the security forces who were found guilty of human rights abuses such as disappearances". It informed the Group that the High Court of Sri Lanka had recently passed the death sentence on six security force personnel found guilty of the disappearance of a young woman and members of her family, and that the Attorney-General's Department was taking action to prosecute a number of other cases. The Government also provided information on a number of fundamental rights cases which had been filed in the Supreme Court against security forces personnel between 1994 and 1998. Furthermore, steps were being taken by the Attorney-General's Department and law enforcement agencies to prepare for prosecution of offenders identified by the three independent commissions appointed by the President of Sri Lanka. With regard to indemnity, the Government stated that "in numerous fundamental rights and criminal cases filed against the security personnel, there has not been any instance where indemnity was invoked by security force personnel".

281. The Government also refuted allegations about the existence of secret places of detention, stating that "there are no secret places of detention in Sri Lanka" and that "if specific information of such places is provided by any NGO, investigation can be made of such reports". Furthermore, "all places of detention are published and accessible to the ICRC", as well as to the Human Rights Commission of Sri Lanka.

282. The Government provided a full description of safeguards concerning arrest and detention under the Emergency Regulations and the Prevention of Terrorism Act. A Committee on Unlawful Arrest and Harassment had been established in July 1998 as an additional safeguard to deal with complaints made by civilians with regard to any harassment caused to them in the course of law enforcement agencies' actions to prevent suicide bombings and terrorist attacks in Colombo by LTTE. A 24-hour service unit in the Ministry of Justice has also been established to enable the general public to make their complaints. The Government underlined that "it must be borne in mind that the Emergency Regulations and the Prevention of Terrorism Act have been enacted in order to deal with extraordinary security challenges posed by a ruthless terrorist group which indulges in suicide attacks, forcible recruitment of children for combat; killing and maiming innocent civilians, including those belonging to the Tamil community who do not share the philosophy of ethnic exclusiveness propounded by this terrorist group, LTTE".

283. With regard to allegations relating to the functioning of courts in Jaffna and the hearing of habeas corpus applications in high courts outside Colombo, the Government stated that the difficulties encountered were "mainly due to the fact that the terrorist group, LTTE, has threatened to kill the judicial and other public officials serving the courts in Jaffna and other areas". However, the Government is "committed to facilitating the normal functioning of the judicial institutions including High Courts" and that the security forces had nearly completed its task of reopening the main supply route from Vavuniya to Jaffna Peninsula.

284. During the period under review, the Government also provided information on 19 individual cases of reported disappearance. In 11 of the cases, the Government replied that the persons concerned had been released and, in five other cases, that the persons had been released on bail. In two additional cases, the Government replied that the persons had been remanded in fiscal custody by a magistrate court. In one other case, it replied that a person bearing a similar name was detained in prison.

285. During the same period, the Government submitted to the Working Group reports of the three independent commissions appointed by the President of Sri Lanka to investigate allegations of disappearances in Sri Lanka. The Government also informed the Working Group that it had established an inter-ministerial committee "to examine expeditious ways of implementing the recommendations of the Commissions, including prosecution of identified offenders".

286. By letter dated 17 June 1998, the Government agreed in principle to the proposed visit to the country by the Working Group and considered it more convenient that the proposed visit take place in 1999. A mutually convenient date is being sought.

Sudan

287. During the period under review, the Working Group transmitted two newly-reported cases of disappearance to the Government of the Sudan, one of which occurred in 1998 and was sent under the urgent action procedure.

288. The majority of the 259 outstanding cases concern 249 villagers who were allegedly abducted from the village of Toror in the Nuba Mountains in 1995 by the armed forces of the Government of the Sudan. It is suspected that the villagers have been taken to one of the government-controlled "peace camps".

289. One of the newly-reported cases concerns a person who converted from Islam to Christianity and was studying at the Bishop Gwynne theological college in Juba. He was reportedly arrested by National Islamic Front security officials.

290. During the period under review, the Government provided information on this new case, stating that the person concerned was currently leading a normal life as a bishop. The Working Group was unable to clarify the case in view of the discrepancy in the occupation of the person referred to by the source and the Government.

Syrian Arab Republic

291. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Syrian Arab Republic. During the same period, the Working Group clarified one case on the basis of information provided by the source in which it was reported that the person concerned had died in prison.

292. Of the 35 cases of disappearance reported to the Working Group, 27 have been clarified. Many of the eight outstanding cases allegedly occurred

throughout the country in the early to mid-1980s. Some of the persons concerned were allegedly members of terrorist groups; others were reportedly members of the military or civilians.

293. In the past, concern was expressed to the Working Group about the whereabouts of both Lebanese citizens and stateless Palestinians who were reported to have disappeared in Lebanon, but for which the Government of the Syrian Arab Republic was allegedly responsible. So far, the Working Group has received no information from the Government of the Syrian Arab Republic concerning these cases.

294. During the period under review, the Government provided information on eight individual cases. In two cases, it reiterated that the persons concerned, a mother and her daughter, had never been detained and that the authorities had no responsibility in their disappearance. According to the Government, their fates are related to their organization (the Revolutionary Council) which suffered from internal dissent. In five cases, the Government stated that no information concerning the missing persons was available to it. In one case, the Government stated that a person with a different name had been sentenced to death.

Tajikistan

295. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Tajikistan.

296. Two of the eight cases previously reported to the Working Group concerned brothers of Badakhshani ethnic origin who reportedly ran a business in the city of Khusan. One of the brothers, whose whereabouts are still not known, is said to have been a member of the last parliament of the Soviet Union. Six other cases are alleged to have occurred between late 1992 and July 1993 in the context of the escalating civil war when pro-Government forces took over the capital of Dushanbe.

297. Although several reminders have been sent, no information has ever been received by the Working Group from the Government. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Togo

298. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Togo.

299. Six of the 10 outstanding cases concern persons who were reportedly detained in 1994 by members of the armed forces at Adetikope as they were on their way to Lomé to visit two relatives of the Secretary General of the Togolese Drivers' Trade Union, who had reportedly been injured in a car accident. One other case concerned a civil servant who was reportedly the adviser to the President of the High Council of the Republic between 1991 and 1993 and who is said to have been abducted from his car in the Lomé suburb of Aguényié and taken to an unknown destination by three men in a minibus,

followed by a military vehicle. The other victims were a man arrested by the police and taken to the Central Commissariat in Lomé, from where he disappeared a few days later; a farmer abducted from his home by armed men and taken to an unknown destination; and a businessman abducted from his home by five men in military fatigues.

300. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Turkey

301. During the period under review, the Working Group transmitted 19 newly-reported cases of enforced disappearance to the Government of Turkey, 13 of which reportedly occurred in 1998 and were sent under the urgent action procedure. Nine of those cases were subsequently clarified on the basis of information provided by the source, in which it was reported that four persons had been released from custody without charge and five persons had been found in detention. During the same period, the Government submitted information on 40 outstanding cases. With regard to the newly-reported cases transmitted by the Working Group on 15 December 1998, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

302. Since the creation of the mandate, 172 cases of enforced or involuntary disappearances in Turkey have been reported to the Working Group, of which 79 have been clarified. The majority of these cases reportedly occurred in south-east Turkey, in areas where a state of emergency was in force. While in 1994 the Working Group transmitted 72 newly-reported cases, the numbers dropped to 17 in 1995, to 12 in 1996, to 9 in 1997 and to 13 in 1998. These figures show that the peak of alleged disappearances occurred in 1994 and that there has been a decrease in their number. However, enforced disappearances still continue to occur.

303. The victims of the newly-reported cases were villagers from Karlova, Bingöl and humanitarian activists from Izmir, on the Aegean coast. Those allegedly responsible were members of the Narcotics Branch of the Police, the Gendarmerie, and members of a Special Team (National Intelligence).

304. At the invitation of the Government of Turkey, two members of the Working Group, Mr. Ivan Tosevski, the Chairman, and Mr. Diego Garcia-Sayán, visited Turkey from 20 to 26 September 1998. Their report is contained in Addendum 2 to the present report.

Uganda

305. During the period under review, the Working Group transmitted 41 new cases of disappearance; three of which occurred in 1998. Two cases were sent under the urgent action procedure.

306. Of the 61 reported cases of disappearance, 20 occurred between 1981 and 1985, before the present Government took office. These reported arrests

or abductions occurred throughout the country and in one case the person was allegedly abducted while in exile in Kenya and taken to Kampala. One case concerned the 18-year-old daughter of an opposition member of the Ugandan Parliament. The arrests are said to have been made by policemen, soldiers or officials of the National Security Agency.

307. Of the 41 newly-reported cases, 38 concerned two groups of girls and boys, from two different schools, who were reported to have been abducted in 1996 by members of the Lord's Resistance Army, a group allegedly supported by the Government of the Sudan. Three other cases occurred in 1998, one of which concerns a former magistrate who was a recognized refugee. He was reportedly arrested in Kampala by alleged Ugandan police officers. Another case concerns a lawyer providing defence counsel to persons accused of genocide in the context of a project set up by a non-governmental organization. He is said to have been previously arrested and tortured because of his activities. One other case concerns an 11-year-old girl who was abducted by members of the Lord's Resistance Army in the presence of her mother.

308. During the period under review, no new information was received from the Government with regard to the outstanding cases. The Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Ukraine

309. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Ukraine.

310. All three cases of disappearance occurred in 1995 and concern two brothers and a friend who are said to have been arrested in Simpherolol, Crimea, by members of the security forces.

311. During the period under review, the Government of Ukraine provided information on the three outstanding cases transmitted to the Government in 1997, providing the Working Group with details of the investigations carried out thus far by the Procurator's Office of the Autonomous Republic of Crimea into the disappearances, and reporting that investigations were continued by the Office of the Attorney-General of Ukraine, which had issued specific instructions regarding the lines of inquiry to be pursued in order to shed light on all the circumstances surrounding the disappearance.

Uruguay

312. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Uruguay.

313. The majority of the 31 cases of disappearance reported to the Working Group occurred between the years 1975 and 1978 under the military Government, in the context of its fight against alleged subversion. It should be noted that the Working Group has received no reports of disappearances in Uruguay after 1982.

314. According to recent reports received from non-governmental organizations, full redress to victims of enforced disappearance is not synonymous with monetary compensation. The crucial matter in order to close a case is clarification of the whereabouts of the disappeared. Allegedly, in Uruguay, not one case has been clarified according to these standards, since the Government has not taken the appropriate steps to investigate the outstanding cases.

315. The same organizations reported that several provisions of the Declaration are not being implemented, such as articles 4, 5, 13, 14, 16, 17, 18, 19 and 20.

316. During the period under review, no new information was received from the Government with regard to the outstanding cases.

Uzbekistan

317. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Uzbekistan.

318. Two of the outstanding cases of disappearance concern an Islamic religious leader and his assistant who were reportedly detained in August 1995 by the National Security Service in Tashkent as they were waiting to board an international flight. The third case concerns the leader of the Islamic Renaissance Party, reportedly an unregistered political party, who was allegedly arrested in 1992 by men believed to be government agents.

319. During the period under review, the Government of Uzbekistan provided information on the three outstanding cases, transmitted to the Government in 1997. In the three cases, the Government replied that investigations conducted by the Procurator's Office of the Autonomous Republic of Crimea had found that the claim made by the mother of the missing brothers, that her sons and a friend had been arrested by operational services of the law-enforcement organs and kept in detention for a lengthy period, was not substantiated. It also informed the Working Group that, on 13 January 1998, the criminal case for an offence committed under article 93 (D) of the Ukrainian Penal Code had been studied by the Office of the Attorney-General of Ukraine and that specific instructions had been issued regarding the lines of inquiry to be pursued in order to shed light on all the circumstances surrounding the disappearance of the three persons concerned. The Government reported that the investigation was being continued under the supervision of the Office of the Attorney-General of Ukraine.

Venezuela

320. During the period under review, no new cases of disappearance were transmitted to the Government of Venezuela by the Working Group.

321. Of the 10 cases reported to the Working Group, four have been clarified. Three of the six outstanding cases occurred in December 1991 and concern student leaders who had reportedly been intercepted by security forces during a commercial fishing expedition. A fourth case concerned a businessman arrested in February 1991 in Valencia City, Carabobo, by the police. A fifth

case concerns a 14-year-old girl who was allegedly abducted in March 1993 following a military raid on her house in the peasant community of 5 de Julio, municipality of Catatumbo, State of Zulia. Another case concerns a person who was allegedly detained in February 1995 in the vicinity of Puerto Ayacucho, State of Amazona, by members of the Navy Infantry, following incidents in which eight Venezuelan soldiers were reportedly ambushed and killed by Colombian guerrillas.

322. During the period under review, no new information was received from the Government of Venezuela with regard to the outstanding cases.

Yemen

323. During the period under review, 52 new cases of disappearance were transmitted by the Working Group to the Government of Yemen, one of which occurred in 1998 and was sent under the urgent action procedure.

324. Of the 150 cases transmitted to the Government, the majority occurred between January and April 1986 in the context of the fighting which took place in the former People's Democratic Republic of Yemen; many others occurred in the context of the 1994 civil war.

325. At the invitation of the Government of Yemen, two members of the Working Group, Mr. Jonas Foli and Mr. Manfred Nowak, visited Yemen from 16 to 21 August 1998. Their report is contained in Addendum I to the present report.

Palestinian Authority

326. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Palestinian Authority. During the same period, the Working Group retransmitted the one outstanding case updated with new information from the source.

327. The one outstanding case of disappearance, which reportedly occurred in 1997, concerns a real estate agent and father of five children who reportedly disappeared following his arrest by members of the Palestinian military intelligence in Ramallah.

328. To date, no response has been received from the Palestinian Authority. The Working Group is, therefore, unable to report on the fate and whereabouts of the missing person.

III. COUNTRIES IN WHICH ALL REPORTED CASES OF DISAPPEARANCE HAVE BEEN CLARIFIED

United Arab Emirates

329. During the period under review, the Working Group clarified the one case of disappearance transmitted to the Government, on the basis of the information provided by the Government, certifying that the person concerned has been released and left the country through Abu Dhabi airport. This information was confirmed by the source. This one reported case of

disappearance concerns Dr. Ahmed Hamdy al-Badawe, a university professor of Egyptian nationality who had been seconded from Assyat University in Egypt to Agman University in the United Arab Emirates, and who is reported to have disappeared in 1996 shortly after returning to the United Arab Emirates from visiting his family in Cairo. He is said to be a well-known intellectual and human rights activist.

IV. CONCLUSIONS AND RECOMMENDATIONS

330. The Working Group calls the attention of all Governments that the full implementation of the Declaration on the Protection of All Persons from Enforced Disappearance is crucial for the prevention and the termination of this human rights violation. In particular, the Working Group wishes to stress the importance of measures aimed at reducing periods of administrative detention to an indispensable minimum, at establishing accessible and up-to-date registries of detainees and at guaranteeing access and appropriate information to relatives, lawyers and doctors of persons deprived of their liberty.

331. Bearing in mind that the effectiveness of its mandate depends on the cooperation received from Governments, especially of those countries in which enforced disappearance is an ongoing phenomenon, the Working Group appreciates the mechanisms of communication and dialogue that exist with almost all the Governments of the countries concerned, many of which have sent their highest representatives to the Working Group's sessions.

332. The Working Group wishes to emphasize that it is essential to its activities to continue receiving cooperation from non-governmental organizations concerned with the problem of disappearances. Their activities deserve full support considering that they are a key ingredient for the clarification of cases. The Working Group expresses its appreciation for the cooperation and support it has received from these organizations. At the same time, the Working Group notes with deep concern that in some countries these organizations suffer harassment and persecution that prevent them from fulfilling their duties. The Working Group calls upon the concerned Governments to take all measures to guarantee complete protection to these organizations and their members.

333. One of the major achievements of the United Nations human rights programme has been the establishment of thematic mechanisms by the Commission on Human Rights to deal with the essential task of receiving complaints, investigating gross violations of human rights and reporting on their findings publicly. These mechanisms are accessible to everybody and have demonstrated in practice, for the past 18 years, that they can perform an effective role in the protection of human rights throughout the world, especially with regard to persistent and extended violations such as enforced disappearances. The non-governmental organizations acknowledge that these mechanisms have certainly acted as a deterrent to a greater increase of this particular international crime.

334. As is well known, the Working Group was the first of these mechanisms to be created and has played a pioneering role as a channel of communication between victims, families and non-governmental organizations on the one hand,

and Governments on the other. Since its establishment in 1980, the Working Group has transmitted a total of 48,770 cases to 79 Governments; in many of the countries concerned new cases have been reported. Although 2,926 cases have been clarified, 45,825 cases are still outstanding.

335. It is crucial for the countries which have a large backlog of outstanding cases to make consistent and effective efforts to identify the fate and whereabouts of the disappeared. At the same time, in agreement with the relatives of the disappeared persons, mechanisms are being explored for the clarification of cases, including acknowledgement of the responsibility of the State and the award of appropriate compensation. The Working Group renews its offer of cooperation to the parties concerned.

336. The Working Group stresses once again that impunity is one of the main causes - probably the root cause - of enforced disappearance, and at the same time one of the major obstacles to clarifying past cases. It is very important that all States comply with the Declaration, which obliges them to make all acts of enforced disappearance offences under domestic criminal law, to promptly, thoroughly and impartially investigate any allegation of enforced disappearance and to bring the perpetrators to justice. In addition, the Working Group strongly urges all States to comply with article 18, which establishes that perpetrators of enforced disappearance shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from criminal proceedings or sanction.

337. In some countries, the Working Group was unable to achieve progress in clarifying cases because of the lack of appropriate cooperation on the part of the Government. The Governments of Burkina Faso, Burundi, Chad, Equatorial Guinea, Mozambique and Tajikistan have never replied to any requests for information from the Working Group. The Working Group recommends once again that the Commission on Human Rights take whatever steps are appropriate in relation to these countries.

338. It is crucial that, in accordance with the Declaration, the Governments take effective legislative, administrative and judicial measures aimed at preventing the occurrence of disappearances in the future. Although article 4 of the Declaration is very clear and applies to all States, i.e. not only to those in which enforced disappearances actually take place, in very few States have the criminal laws been amended in order to ensure that acts of enforced disappearance as such are offences punishable by appropriate penalties. The enactment and effective implementation of such legal measures would be a major step forward towards preventing acts of enforced disappearance.

339. The Working Group wishes to express once again its sincere appreciation to the secretariat for its dedication in the pursuance of the difficult tasks it has to undertake. The Group avails itself of this opportunity to appeal again to the Commission to meet the needs of the secretariat by allocating the appropriate resources, considering that the numbers of the secretariat staff have been dramatically reduced during the past year from nine to three staff members.

V. ADOPTION OF THE REPORT

At the last meeting of its fifty-sixth session, on 4 December 1998, the present report was adopted by the members of the Working Group on Enforced or Involuntary Disappearances:

Ivan Tosevski (Chairman-Rapporteur)	(the former Yugoslav Republic of Macedonia)
Agha Hilaly	(Pakistan)
Jonas K.D. Foli	(Ghana)
Diego Garcia-Sayán	(Peru)
Manfred Nowak	(Austria)

Notes

1/ Since its creation in 1980, the Working Group has submitted a report to the Commission annually, starting at the Commission's thirty-seventh session. The document symbols of the previous 16 reports are as follows: E/CN.4/1435 and Add.1; E/CN.4/1492 and Add.1; E/CN.4/1983/14; E/CN.4/1984/21 and Add.1 and 2; E/CN.4/1985/15 and Add.1; E/CN.4/1986/18 and Add.1; E/CN.4/1987/15 and Corr.1 and Add.1; E/CN.4/1988/19 and Add.1; E/CN.4/1989/18 and Add.1; E/CN.4/1990/13; E/CN.4/1991/20 and Add.1; E/CN.4/1992/18 and Add.1; E/CN.4/1993/25 and Add.1; E/CN.4/1994/26 and Corr.1 and 2 and Add.1; E/CN.4/1995/36; E/CN.4/1996/38; E/CN.4/1997/34; E/CN.4/1998/43.

2/ Resolutions 1998/19, 1998/21, 1998/31, 1998/39, 1998/42, 1998/49, 1998/51, 1998/52, 1998/53 and 1998/74.

Annex I

DECISIONS ON INDIVIDUAL CASES TAKEN BY
THE WORKING GROUP DURING 1998

DECISIONS ON INDIVIDUAL CASES TAKEN BY THE WORKING GROUP DURING 1998

Countries	Cases which allegedly occurred in 1998	Cases transmitted to the Government during 1998		Clarifications by:		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Algeria	12	12	566	-	4	-
Burundi	-	-	2	-	-	-
Cambodia	2	2	-	-	-	-
China	2	2	12	4	3	-
Colombia	50	50	4	3	-	-
Democratic Republic of the Congo	18	18	-	-	-	-
Ecuador	-	-	1	-	-	-
Egypt	1	1	-	-	1	-
Eritrea	34	34	-	-	-	-
Ethiopia	2	2	3	-	-	-
Honduras	-	-	1	-	-	-
India	5	5	28	3	-	-
Indonesia	61	34	31	2	6	-
Iran (Islamic Republic of)	-	-	2	1	-	-

DECISIONS ON INDIVIDUAL CASES TAKEN BY THE WORKING GROUP DURING 1998
(continued)

Countries	Cases which allegedly occurred in 1998	Cases transmitted to the Government during 1998		Clarifications by:		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Iraq	-	-	18	-	-	-
Lebanon	1	1	-	-	1	-
Malaysia	2	2	-	-	1	-
Mexico	7	6	4	7	-	2
Morocco	1	-	9	-	19	-
Nepal	4	4	-	-	-	-
Nigeria	1	1	-	-	-	-
Pakistan	1	1	15	-	1	-
Peru	-	-	-	1	-	-
Philippines	2	-	2	1	-	-
Rwanda	5	4	1	-	1	-
Saudi Arabia	-	-	1	-	-	-
Sri Lanka	4	4	9	47	2	-
Sudan	1	1	1	-	-	-
Syrian Arab Republic	-	-	-	-	1	-
Tunisia	9	9	-	9	-	-

DECISIONS ON INDIVIDUAL CASES TAKEN BY THE WORKING GROUP DURING 1998
(continued)

Countries	Cases which allegedly occurred in 1998	Cases transmitted to the Government during 1998		Clarifications by:		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Turkey	13	13	6	-	9	-
Uganda	1	2	39	-	-	-
United Arab Emirates	-	-	-	1	-	-
Yemen	1	1	51	-	-	-

Annex II

STATISTICAL SUMMARY: CASES OF ENFORCED OR INVOLUNTARY DISAPPEARANCES REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1998

STATISTICAL SUMMARY:
CASES OF INVOLUNTARY DISAPPEARANCE REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1998

Countries	Cases transmitted to the Government				Clarifications by		Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	
	No. of cases	Female	No. of cases	Female			
Afghanistan	2	-	2	-	-	-	-
Algeria	731	8	720	-	5	6	-
Angola	7	1	4	-	3	-	-
Argentina	3 453	772	3 375	749	43	35	-
Bahrain	1	-	-	-	-	1	-
Bangladesh	1	1	1	-	-	-	-
Bolivia	48	8	28	-	19	1	-
Brazil	56	4	7	-	48	1	-
Bulgaria	3	-	-	-	3	-	-
Burkina Faso	3	-	3	-	-	-	-
Burundi	51	-	51	-	-	-	-
Cambodia	2	-	2	-	-	-	-
Cameroon	6	-	6	-	-	-	-
Chad	12	-	11	-	1	-	-
Chile	912	67	847	-	42	23	-
China	87	5	33	-	45	9	-

CASES OF INVOLUNTARY DISAPPEARANCE REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1998
(continued)

Countries	Cases transmitted to the Government				Clarifications by		Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	
	No. of cases	Female	No. of cases	Female			
Colombia	1 060	89	833	2	171	56	-
Democratic Republic of the Congo	45	11	39	-	6	-	-
Dominican Republic	4	-	2	-	2	-	-
Ecuador	22	2	7	-	11	4	-
Egypt	20	-	12	-	7	1	-
El Salvador	2 661	332	2 270	267	318	73	-
Equatorial Guinea	3	-	3	-	-	-	-
Eritrea	34	-	34	-	-	-	-
Ethiopia	112	2	110	-	1	1	-
Gambia	1	-	-	-	1	-	-
Greece	3	-	3	-	-	-	-
Guatemala	3 151	396	2 990	-	82	79	-
Guinea	28	-	21	-	-	7	-
Haiti	48	1	38	-	9	1	-

CASES OF INVOLUNTARY DISAPPEARANCE REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1998
(continued)

Countries	Cases transmitted to the Government				Clarifications by		Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	
	No. of cases	Female	No. of cases	Female			
Honduras	198	-	129	-	30	39	-
India	305	1	263	1	32	10	-
Indonesia	550	33	475	1	55	20	-
Iran (Islamic Republic of)	512	99	497	-	13	2	-
Iraq	16 514	2 311	16 384	-	107	23	-
Israel	3	-	2	-	-	1	-
Kazakhstan	2	-	-	-	-	2	-
Kuwait	1	-	1	-	-	-	-
Lao People's Democratic Republic	1	-	1	-	-	-	-
Lebanon	288	2	281	-	1	6	-
Libyan Arab Jamahiriya	3	-	2	-	-	1	-
Malaysia	2	-	1	-	-	1	-
Mauritania	1	-	1	-	-	-	-

CASES OF INVOLUNTARY DISAPPEARANCE REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1998
(continued)

Countries	Cases transmitted to the Government				Clarifications by		Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	
	No. of cases	Female	No. of cases	Female			
Mexico	353	319	232	1	91	17	13
Morocco	242	28	108	1	88	46	-
Mozambique	2	-	2	-	-	-	-
Myanmar	2	1	-	-	-	-	-
Nepal	10	1	9	1	-	1	-
Nicaragua	234	4	103	-	112	19	-
Nigeria	6	1	1	-	5	-	-
Pakistan	76	2	71	-	1	4	-
Paraguay	23	1	3	-	20	-	-
Peru	3 004	311	2 368	116	253	383	-
Philippines	655	80	501	-	123	31	-
Romania	1	-	-	-	1	-	-
Russian Federation	193	11	193	-	-	-	-
*Rwanda	16	2	14	1	1	1	-

CASES OF INVOLUNTARY DISAPPEARANCE REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1998
(continued)

Countries	Cases transmitted to the Government				Clarifications by		Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	
	No. of cases	Female	No. of cases	Female			
Saudi Arabia	2	-	1	-	1	-	-
Seychelles	3	-	3	-	-	-	-
South Africa	11	1	1	-	2	2	6
Sri Lanka	12 221	147	12 108	-	77	36	-
Sudan	263	34	259	-	1	3	-
Syrian Arab Republic	35	3	8	-	13	14	-
Tajikistan	8	-	6	-	-	2	-
Thailand	2	-	2	-	-	-	-
Togo	11	2	10	-	-	1	-
Tunisia	14	-	-	-	10	4	-
Turkey	172	11	93	1	31	48	-
Turkmenistan	2	-	-	-	2	-	-
Ukraine	3	2	3	-	-	-	-
Uganda	61	31	54	31	2	5	-

CASES OF INVOLUNTARY DISAPPEARANCE REPORTED TO THE WORKING GROUP BETWEEN 1980 AND 1998
(continued)

Countries	Cases transmitted to the Government				Clarifications by		Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	
	No. of cases	Female	No. of cases	Female			
United Arab Emirates	1	-	-	-	1	-	-
Uruguay	31	7	23	-	7	1	-
Uzbekistan	3	-	3	-	-	-	-
Venezuela	10	2	6	-	4	-	-
Yemen	150	-	149	-	-	1	-
Zambia	1	1	-	-	-	1	-
Zimbabwe	1	-	-	-	1	-	-
and the Palestinian Authority	1	-	1	-	-	-	-

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* Note that the previous statistical summary (1980-1997) for Rwanda should read as follows: 10 outstanding cases, 11 total cases transmitted, 1 case clarified by the Government, and no cases clarified by non-governmental sources.